

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE - SW/Corner
Rolling Road and Powers Lane
(1000 North Rolling Road)
1st Election District
1st Councilmanic District

Shell Oil Company
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-408-SPHA
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 1000 North Rolling Road, just north of its intersection with the Baltimore National Pike in Catonsville. The Petitions were filed by the owners of the subject property, Shell Oil Company, by Don J. DeMumbrum, through their attorney, J. Neil Lanzi, Esquire. The Petitioners seek approval of an amendment to the previously approved site plan in Case No. 88-270-X to permit a new canopy, replacement of existing pump islands and dispensers, and the installation of a relief lane for the existing car wash use on the premises and a variance from Section 405.4.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback of 5 feet in lieu of the required 15 feet for a new canopy, and to permit a setback of 16 feet in lieu of the required 25 feet for the new fuel pumps and pump islands. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the hearing on behalf of the Petitions were Richard L. Beall, Architectural and Planning consultant for Shell Oil Company, Steve Schultz, Project Engineer for Shell Oil Company, and Sheldon Warsaw, Proprietor of the subject site. The Petitioners were represented by J. Neil Lanzi, Esquire. There were no Protestants present.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Testimony and evidence offered revealed that the subject property consists of 0.54 acres, more or less, zoned B.L.-C.S.A., and is improved with a gasoline service station and accessory car wash as shown on the site plan marked as Petitioner's Exhibit 1. Testimony indicated that a service station has existed on the property since the mid-1960s, and that the accessory car wash was added in 1988, pursuant to a special exception granted in Case No. 88-270-X on February 3, 1988. The Petitioners now seek to upgrade the existing facility to remain competitive with other service stations in the area as well as beautify the site. Proposed improvements include the installation of a canopy and new multiple product dispensers, in accordance with the site plan marked as Petitioner's Exhibit 2. The new fuel pumps will be installed in the same location as the existing gasoline dispensers and the proposed canopy will be constructed over the new pumps and pump islands to provide protection for customers during inclement weather. The Petitioners estimate that the cost of upgrading the property will be approximately \$200,000. In order to proceed with the proposed improvements, an amendment to the previously approved site plan is necessary. Furthermore, the requested variances are necessitated due to the location of existing improvements on the property.

It should also be noted that one of the photographs submitted by the Petitioners depicting existing improvements shows a shipping container to the rear of the existing building on the site. As a condition of approval of the relief requested herein, the Petitioners shall, within sixty (60) days of the date of this Order, obtain a permit for the continued storage of this container on their property, or have same removed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

ORDER RECEIVED FOR FILING
Date 10/21/85
By [Signature]

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance relief sought should be granted.

ORDER RECEIVED FOR FILING

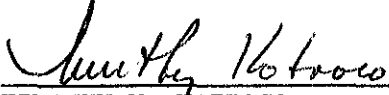
Date

By

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of June, 1995 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in Case No. 88-270-X to permit a new canopy, replacement of existing pump islands and dispensers, and the installation of a relief lane for the existing car wash use on the premises, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 405.4.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback of 5 feet in lieu of the required 15 feet for a new canopy, and to permit a setback of 16 feet in lieu of the required 25 feet for the new fuel pumps and pump islands, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Within sixty (60) days of the date of this Order, Petitioners shall obtain a permit for the continued storage of the shipping container on this property, or remove same from the site.
- 3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

June 21, 1995

(410) 887-4386

J. Neil Lanzi, Esquire
300 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SW/Corner Rolling Road and Powers Lane
(1000 North Rolling Road)
1st Election District - 1st Councilmanic District
Shell Oil Company - Petitioners
Case No. 95-408-SPHA

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Don J. DeMumbrum
11921 Freedom Drive, Suite 900, Reston, VA 22090

Mr. Richard L. Beall, 360 Jones Station Road, Arnold, MD 21012

Mr. Sheldon Warsaw, 1000 N. Rolling Road, Catonsville, MD 21228

People's Counsel
File

MICROFILMED



404



Petition for Special Hearing

95-408-SPTA

to the Zoning Commissioner of Baltimore County

for the property located at 1000 North Rolling Road

which is presently zoned BL-CSA(AS)

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Amendment of the previously-approved Plan in Case No. 88-270-X and to allow a new canopy, replacement of existing pump islands and dispensers and the installation of a relief lane for the existing car wash.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee.

Legal Owner(s): Shell Oil Company

(Type or Print Name)

Don J. DeMumbrum

(Type or Print Name)

Signature

[Signature]
Signature

Address

(Type or Print Name)

City State Zipcode

Signature

Attorney for Petitioner.

11921 Freedom Drive (703) 707-5600

Address Suite 900 Phone No.

J. Neil Lanzi
(Type or Print Name)

Reston, VA 22090

City State Zipcode

[Signature]
Signature

Name, Address and phone number of representative to be contacted.

300 Allegheny Avenue, (410) 337-9039

Andy Cretal
Name

same as above (703) 707-5609
Address Phone No.

Towson, MD 21204
City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 1/2 HR
unavailable for Hearing

the following date Next Two Months

ALL OTHER
REVIEWED BY *[Signature]* DATE 5/11/95

ORDER RECEIVED FOR FILING
Date 6/21/95
By [Signature]

SEE NOTE
FROM
N.L.

404



Petition for Variance

to the Zoning Commissioner of Baltimore County

75-408-SPHA

for the property located at 1000 North Rolling Road

which is presently zoned BL-CSA (AS)

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee:

Legal Owner(s) Shell Oil Company

(Type or Print Name)

D. V. Mumburn
(Type or Print Name)

Signature

[Signature]
Signature

Address

(Type or Print Name)

City State Zipcode

Signature

Attorney for Petitioner

Shell Oil Company

J. Neil Lanzi

11921 Freedom Dr., Ste. 900 (703) 707-5600

(Type or Print Name)

Address Phone No

[Signature]
Signature

Reston VA 22090
City State Zipcode

Name, Address and phone number of representative to be contacted

300 Allegheny Avenue, (410) 337-9039
Address Phone No

Andrew Cretal
Name

Towson, MD 21204
City State Zipcode

Same as above (703) 707-5609
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR
unavailable for Hearing

the following date Next Two Months

ALL YES OTHER NO
REVIEWED BY: [Signature] DATE 5/11/95



Printed with Soybean Ink on Recycled Paper

MICROFILM

ORDER RECEIVED FOR FILING
Date 5/21/95
By [Signature]

404
95-408-SPHA

PETITION FOR VARIANCE

Petitioner, Shell Oil Company, for the property known as 1000 North Rolling Road, hereby petitions the Zoning Commissioner for the following variances from the BCZR:

1. Variance from Section 405.4(A)(2) to allow a 5' setback for a new canopy in lieu of the permitted 15 feet.
2. Variance from Section 405.4(A)(2) to allow a 16' setback for the new fuel pumps and pump islands in lieu of the 25 feet permitted.

The new canopy will cover the fuel dispensing area. The modernization proposal also includes the replacement of the existing fuel dispensers and pump islands in the same location as the existing pump islands.

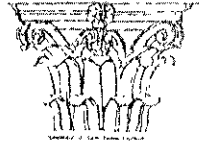
The Zoning Commissioner has the power to grant variances in cases where strict compliance with the BCZR would result in practical difficulty or unreasonable hardship to Petitioner. Petitioner further states the granting of the variances requested will provide substantial justice to the Petitioner and will allow for the observance of the spirit of the BCZR while maintaining the security of the public safety and welfare.

(shelroll.rd)



404

RICHARD L. BEALL, INC., A.I.A.
ARCHITECT AND PLANNER



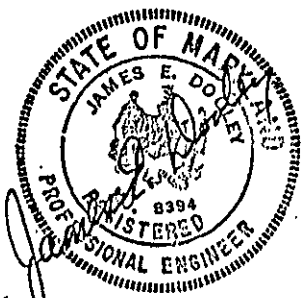
95-408-SPHA

ZONING DESCRIPTION
NO. 1000 NORTH ROLLING ROAD
AT THE SOUTHEAST INTERSECTION WITH POWERS LANE,
ELECTION DISTRICT NO. 1,
BALTIMORE COUNTY, MARYLAND.

BEGINNING for the same at a point along the southwesterly right of way line of Powers Lane (60 feet wide), said point being distant North 70 56' 16" West 215.90 feet from the existing centerline of North Rolling Road, thence running along said southwesterly right of way line of Powers Lane.

1. South 70 56' 16" East 151.80 feet to a point, thence along a fillet,
2. South 18 54' 38" East 33.08 feet to a point along the westerly right of way line of North Rolling Road (90 feet wide), thence along same,
3. South 16 10' 34" West 150.52 feet to a point, thence leaving said North Rolling Road and running,
4. North 77 00' 43" West 185.41 feet to a point, thence,
5. North 20 25' 08" East 196.08 feet to the point of beginning ... containing 32,845.9 square feet or 0.7540 acre of land, more or less.

The improvements thereon being known and designated as No. 1000 North Rolling Road.



James Dooley
Md. Professional Engineer No.8394

May 10, 1995

MICROFILMED

95-408-SPHA

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1st Date of Posting 5/19/95

Posted for: Special Hearing & Variance

Petitioner: Shell Oil Co.

Location of property: 1000 N. Holling Rd.

Location of Signs: Facing roadway, on property being zoned

Remarks: _____

Posted by [Signature] Date of return: 5/26/95
Signature

Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse,

400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

95-408-SPHA (Item 404)
1000 N. Rolling Road
SWC Rolling Road
and Powers Lane
1st Election District
1st Councilmanic
Legal Owner(s):

Shell Oil Company
HEARING: TUESDAY,
JUNE 13, 1995 at 9:00 a.m.
in Rm. 118, Old
Courthouse.

Special Hearing: to approve an amendment of the previously approved plan in case #88-270-X and to allow a new canopy, replacement of existing pump islands and dispensers and the installation of a relief lane for the existing car wash. **Variance:** to allow a 5-foot setback for a new canopy in lieu of the permitted 15 feet; and to allow a 18-foot setback for the new fuel pump islands in lieu of the 25 feet permitted.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

5/338 May 25

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

5/25, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/25, 1995

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

~~Redacted~~



Baltimore County
Zoning Administration &
Development Management
113 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-408-SPHA

Account: R-001-6150

Number

404

By JLL

Date

5/11/95

1 NON RES SPH	040	\$ 250.00
1 " " VAR	020	\$ 250.00
		35.00
1 SIGN FOR BOTH		
HRNGS,		
		<u>\$ 535.00</u>

APPROVED

SHELL OIL CO,
1000 N. ROLLING RD.

PAID BY J. NEILSON

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 404

Petitioner: Shell Oil Company

Location: 1000 N. Rolling Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: J. Neil Ganzi

ADDRESS: 300 Allegheny Avenue

Towson MD 21204

PHONE NUMBER: 337-9039

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
May 25, 1995 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzi, Esq.
300 Allegheny Avenue
Towson, MD 21204
337-9039

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-408-SPHA (Item 404)
1000 N. Rolling Road
SWC Rolling Road and Powers Lane
1st Election District - 1st Councilmanic
Legal Owner(s): Shell Oil Company
HEARING: TUESDAY, JUNE 13, 1995 at 9:00 a.m. in Room 118, Old Courthouse

Special Hearing to approve an amendment of the previously approved plan in case #88-270-X and to allow a new canopy, replacement of existing pump islands and dispensers and the installation of a relief lane for the existing car wash.

Variance to allow a 5-foot setback for a new canopy in lieu of the permitted 15 feet; and to allow a 16-foot setback for the new fuel pumps and pump islands in lieu of the 25 feet permitted.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 18, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-408-SPHA (Item 404)

1000 N. Rolling Road

SWC Rolling Road and Powers Lane

1st Election District - 1st Councilmanic

Legal Owner(s): Shell Oil Company

HEARING: TUESDAY, JUNE 13, 1995 at 9:00 a.m. in Room 118, Old Courthouse

Special Hearing to approve an amendment of the previously approved plan in case #88-270-X and to allow a new canopy, replacement of existing pump islands and dispensers and the installation of a relief lane for the existing car wash.

Variance to allow a 5-foot setback for a new canopy in lieu of the permitted 15 feet; and to allow a 16-foot setback for the new fuel pumps and pump islands in lieu of the 25 feet permitted.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Shell Oil Company
J. Neil Lanzi, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 7, 1995

J. Neil Lanzi, Esquire
300 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 404
Case No.: 95-408-SPHA
Petitioner: Shell Oil Company
Don J. DeMumbrum

Dear Mr. Lanzi:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on May 11, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: May 31, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 1000 North Rolling Road

INFORMATION:

Item Number: 404

Petitioner: Shell Oil Company

Property Size: _____

Zoning: BL-AS

Requested Action: Special Hearing

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

The applicant requests an amendment of the previously approved plan in Case No. 88-270-X and to allow a new canopy, replacement of existing pump islands and dispensers; and the installation of a relief lane for the existing car wash. In addition, the applicant seeks relief from Section 405.4A.2 to allow a 5' setback for a new canopy in lieu of the permitted 15', and to allow a 16' setback for the new fuel pump islands in lieu of the 25' permitted.

Staff has met with the applicant's representatives and finds that the relief necessary to provide the proposed improvements will result in an overall improved site design. Therefore, this office supports the subject request.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

PK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: May 30, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 30, 1995
Item No. 404

The Developers Engineering Section has reviewed the subject zoning item. The submitted schematic landscape plan seems appropriate. A more detailed review will occur at the final landscape plan stage.

The stacking shown for the car wash is not practical, and the proposed relief lane may introduce potential new operational problems. Contact Rahee J. Famili at 887-3751 to resolve these problems.

RWB:sw

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/23/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAY 22, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 401, 402, 404, 405,
406, 407, 409, 410 AND 411.

RECEIVED

MAY 30 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-16-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 404 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

**PETITION PROBLEMS
AGENDA OF MAY 22, 1995**

#402 --- MJK

1. Need name of legal owner on petition form.
2. Need authorization for "legal agent" to sign for legal owner.

#403 --- JRA

1. Receipt was not given to petitioner or attorney.

#404 --- JLL

1. Need typed or printed title of person signing for legal owner.

#406 --- JJS

1. Incorrect zoning on petition form - VR 5.5????

#410 --- JJS

1. Need legal owner's telephone number on petition form.
2. Zoning on petition form does not agree with zoning on folder.
3. Review information not completed on bottom of petition form.
4. No descriptions in folder (see John Sullivan's memo).

MICROFILMED

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
1000 N. Rolling Road, SWC Rolling Road	*	ZONING COMMISSIONER
and Powers Lane, 1st Election District		
1st Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner(s): Shell Oil Company	*	CASE NO. 95-408-SPHA
Petitioner		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 300 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

J. NEIL LANZI
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

(410) 337-9039

FAX: (410) 337-8932

J. Neil Lanzi
OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

ELLCOTT CITY
3460 Ellicott Center Drive
Suite 101
Ellicott City, Maryland 21043
Reply to Towson

Gwen -

Please do not schedule hearing during visit - 18th of July - (vacation!)
+ court

Thanks

J. Neil Lanzi

6/15/98

404

SHELL OIL COMPANY
MARKETING ORGANIZATION

Certificate of Authority

W. R. Burroughs certifies that he is an Assistant Secretary of Shell Oil Company, a Delaware corporation, and further certifies that the District Manager - Retail is authorized, in the Company's name and on its behalf, to execute, deliver, accept, assign, amend, extend, terminate, or release instruments or documents in the usual course of business of the Head Office Department or the Field Office, as the case may be, as required in fulfilling the duties of their assignment. These authorities include, but are not limited to, purchase or sale of real or personal property; leases and subleases of real or personal property; grants of easements; rights-of-way; contracts transferring title to real property, equipment, or materials; bonds to governmental authorities; alcoholic beverage permits or licenses; contracts for the sale and delivery of products and services sold by the Company; contracts for the purchase of products or services utilized by the Company; agreements providing indemnification against, or settlement of, damages resulting from soil or groundwater contamination due to service station operations; and agreements providing access to others' properties for the purpose of performing environmental testing, remediation, or mitigation of soil or groundwater contamination.

It is further certified that D. J. DeMumbrum is the District Manager, Mid-Atlantic Retail District, in the Marketing Organization of the Company.

404

IN WITNESS WHEREOF, this certificate is signed and sealed with
the Company's corporate seal on September 13, 1994.



W. R. Burroughs

UNITED STATES OF AMERICA §

STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, on this day personally came W. R. Burroughs, to me known, who being duly sworn, said that he is an Assistant Secretary of Shell Oil Company, a corporation formed under the laws of the State of Delaware, United States of America, and that he knows the seal of the aforementioned corporation, and he says that he has executed the aforementioned document as the act and deed of the aforementioned corporation, for the purposes recited therein and in the capacity recited therein.

WITNESS my signature and official seal on this the 13th day of September, 1994.



Rebecca Rodriguez

#404

D.R.5.5

Σ
αΣ
α

BMCSA

00

73-229-A

8-87-89

LA 2

612

BL-CSA

11

3

85-173X
S4940
W39280

4-66

42. 43. 44. 45.

POWERS

BR-USA

BR-CSA

00

58

5

Petitioner's
EXHIBIT # 3



ZONING NOTICE

2-10-85 95-008-0781

NOTICE: THE BOARD OF ZONING ADJUSTMENT HAS GRANTED A VARIANCE TO THE ZONING ORDINANCE FOR THE PROPERTY OF THE CITY OF CHICAGO, 1000 N. LAKE ST., CHICAGO, ILL. 60610.

PLACE: 1000 N. LAKE ST. CHICAGO, ILL. 60610

DATE: 2-10-85 95-008-0781

SPECIAL VARIANCE: A SPECIAL VARIANCE IS GRANTED TO THE PROPERTY OF THE CITY OF CHICAGO, 1000 N. LAKE ST., CHICAGO, ILL. 60610, FOR THE PURPOSE OF CONSIDERING THE PROPOSED VARIANCE TO THE ZONING ORDINANCE FOR THE PROPERTY OF THE CITY OF CHICAGO, 1000 N. LAKE ST., CHICAGO, ILL. 60610.

VARIANCE: TO GRANT A VARIANCE TO THE PROPERTY OF THE CITY OF CHICAGO, 1000 N. LAKE ST., CHICAGO, ILL. 60610, FOR THE PURPOSE OF CONSIDERING THE PROPOSED VARIANCE TO THE ZONING ORDINANCE FOR THE PROPERTY OF THE CITY OF CHICAGO, 1000 N. LAKE ST., CHICAGO, ILL. 60610.

NOTICE: THE BOARD OF ZONING ADJUSTMENT HAS GRANTED A VARIANCE TO THE ZONING ORDINANCE FOR THE PROPERTY OF THE CITY OF CHICAGO, 1000 N. LAKE ST., CHICAGO, ILL. 60610.

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PETITIONER'S

Survey - 1000 North Rolling Road

EXHIBIT

4

Let it be known that Shell Oil Company is the owner of the Shell Service Station property known as 1000 North Rolling Road in Baltimore County. Shell Oil Company has submitted zoning petitions with Baltimore County for this property. The petitions request approval of a new illuminated canopy, the installation of new pump islands and dispensers and the installation of a relief lane for the existing car wash. Variances have been requested to allow a 5-foot setback for the new canopy in lieu of the permitted 15 feet and to allow a 16-foot setback for the newly-installed fuel pumps and pump islands in lieu of the 25 feet permitted. There will be no expansion of the existing station or of any of the existing buildings located on the service station property.

I have read the above statements and am in favor of the zoning requests and the proposed improvements.

	Name	Address	Date
1.	Robert R. Zerk	1626 Kirkwood Rd	31 May 95
2.	James A. Eckart	1909 Beverly Rd	31 May 95
3.	Jay Wall	5315 Broadant Rd	31 MAY 95
4.	Shirley Maricany	7129 Rolling Head Rd	31 MAY 95
5.	James Campbell	2018 Cedar Circle Dr.	31 May 95
6.	Howard Taylor	13545 Old Annap. Rd.	31 May 95
7.	Selma J. Jambor	Bon Secour Hosp.	31 May 95
8.	M. Lee	1202 Newwood Dr	31 May 95
9.	A. L.	1005 Lillies Lane	31/95
10.	L. M. Osterloh	4 Marathon Ct.	5/31/95
11.	Vanessa Koonce	1917 Powers LN	5-31-95
12.	Timilia Barker	1917 Powers LN	5-31-95
13.	Jerry E. Pike	3111 Wallyman Rd.	5-31-95
14.	Hazel D. Dargatz	6303 CAROLINA-21061	5-31-95
15.	J. D. Dargatz	4200 Federal Rd	5-31-95
16.	John Munn	4209 York Rd	5/31/95
17.	J. D. Dargatz	301 Lord Byron Tr	5/31/95

TABLES AND SPECIFICATIONS FOR VEGETATIVE TREATMENT

- respectively perimeter ditches and stillways, etc., are to be provided in part this field prior to grading operations with location adjustments to be made in the field as necessary and to be maintained at the end of working day, time permitting.

2. *Phragmites australis* (Cav.) Trin. ex Steud.

- A. Stopping progression. At a 25:25 ratio, soil be moist and tending to a depth of at least 7". The top layer should be broken by churning, stirring or other accessible means. Indica needing occurs. In the use of soil, start feasible, apply 50 lbs. of 1-0-00, 100 lbs. of 10-10-10, and 25 lbs. of 10-10-10 fertilizer per 1,000 square feet. Harrow or disk three and fertilize to the soil to a depth of at least 3" on slopes flatter than 1:1. No tilling should be made to give any desired seed to make the soil surface smooth after disk 79.

5. Seeding. Apply 2 to 3 lbs. per 1,000 square feet of seedling material, between February 1 and April 30.
6. Mulching. Mulch with straw, peat moss, or other material, 2 to 4 inches deep, immediately after seeding. Hydrocarbon flammables such as kerosene, gasoline, and oil should be kept away from the seedlings. Mulch on steep slopes should be a moist, firm species. Medium sand dunes should be 1/4" to 1/2" in clayey soils and 1/2" to 1" in sandy soils. When using straw for the hydrocarbon method, it should be well rotted and free of weed seeds. Mulch should be 2 to 4 inches deep.
7. Maintenance. Mulch should be well kept, weeding, small grass

1. **Treepeony Seedling**—

- Thin: 50 lbs. of dolomite limestone per 1,000 square feet
 Fat: 35 lbs. of 10-10-10 per 1,000 square feet
 Seed: Pacalut 100 lbs. per 1,000 square feet

- Miller - 0.92 lbs, per 1,000 square feet
(Feb. 1 through April 30 & Aug. 15 through Nov. 1)

- May 1 - August 15
Males: Same as above
Nov. 2 through Jan. 31: yearlings only

4. *Use this and be placed on forest ground.* Any fill to be placed in mechanically horizontal layers, 6" to 8" thick, with a loose thickness of not more than 8". All fill of sand, gravel and pebbles is to be classified Type 2, as per Reading Certificate. And concrete is 5% density compaction to be attained by ASTM D-1557 Molding Procedure. Any fill where building area to be completed to a minimum 5% as determined by methods previously mentioned. All other fill shall be compacted sufficiently so as to be stable and prevent erosion and slippage.

ZONING NOTES

- Class # 66-048-BX (5-12-69), granted a second-classification from "A" to "B" and a special exception for a gasoline filling station subject to the following conditions:
1. Storing of school buses shall not be permitted for any portion of the day.
 2. Rental trucks and rental trailers shall not be stored or rented from the subject premises.
 3. No used cars or stored cars shall be stored on the property.
 4. No used cars or stored cars shall be permitted on the premises of the building without prior approval of the Planning and Zoning Commission.
 5. No vending machines shall be permitted on the property except such as approved by the Office of Planning and Zoning on the final construction and building plans for the gasoline station at the time a building permit shall be issued.

- In combination with an existing service station subject to the following restrictions:
1. Petitioner shall comply with the landscaping requirements as set forth in the Balco. Co. landscape manual.

- Site area required = 15,000 sq. ft.

- Existing site area = 22,845 square feet
Parking required Gasoline Service Station one space for each employee on the largest shift
Largest shift = 2 employees = 2 spaces

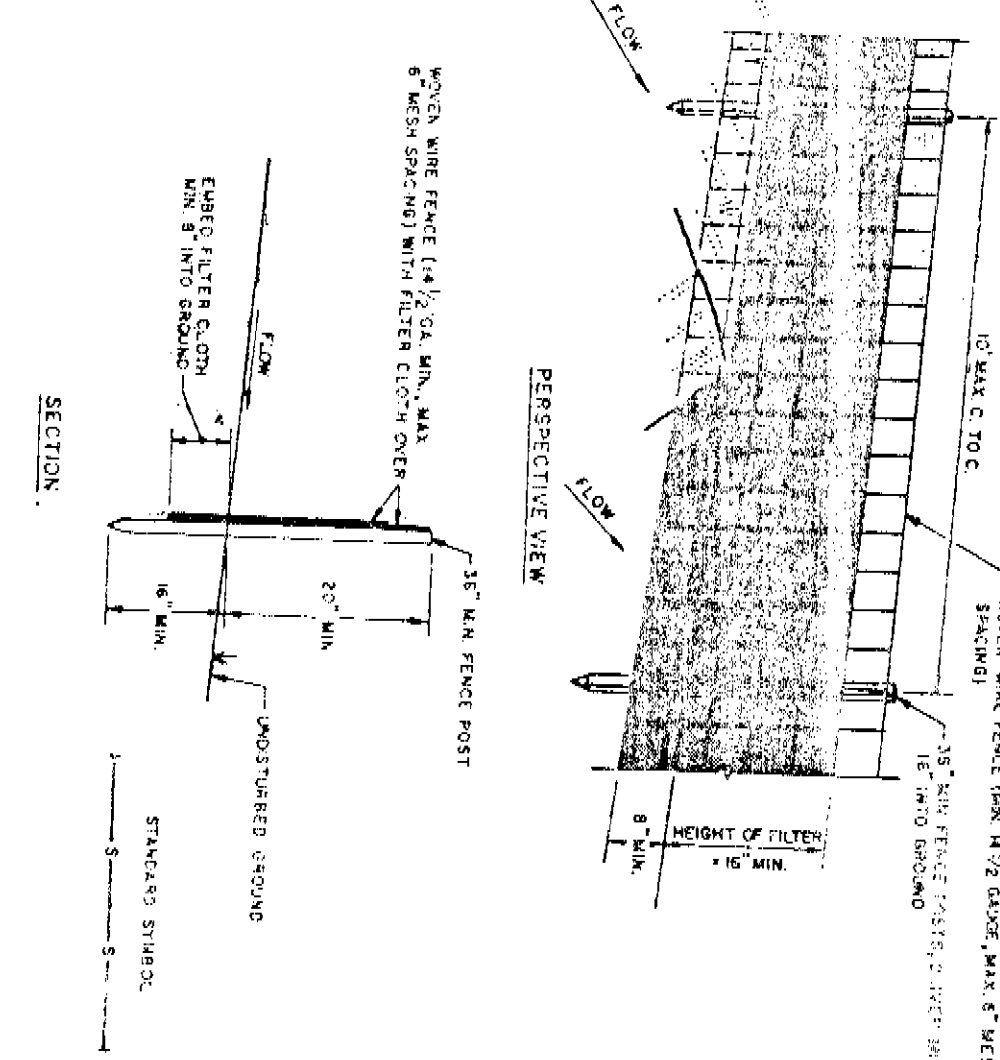
- Roll-over carwash: two spaces for each tunnel plus two
One existing roll-over carwash = 4 spaces
Total parking required = 12 spaces
Total parking provided = 12 spaces

- All building structures shall have the same consistent Architectural theme. All existing site lighting is in compliance with the BCZR.

ZONING REQUESTS

1. Varnish from section 405.4(A)(2) to allow a 5,000 sq-ft setback for a new canopy in lieu of the permitted 15,000 sq-ft.
2. Varnish from section 405.4(A)(2) to allow a 16-foot setback for new fire pumps and stands in lieu of the 25-foot permitted.
3. Special lighting to control the previously approved plan in case the SR-270s, and to allow a new canopy, replacement of existing pump, tanks and dispensers and the installation of a refuel lane for the existing car wash.

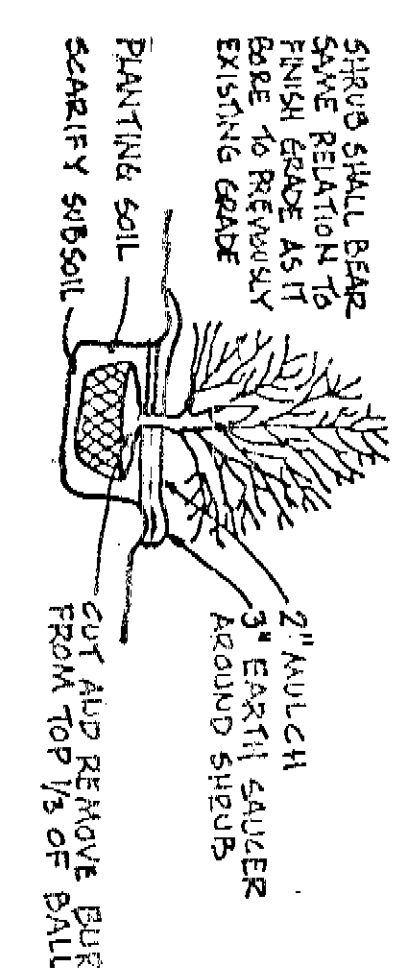
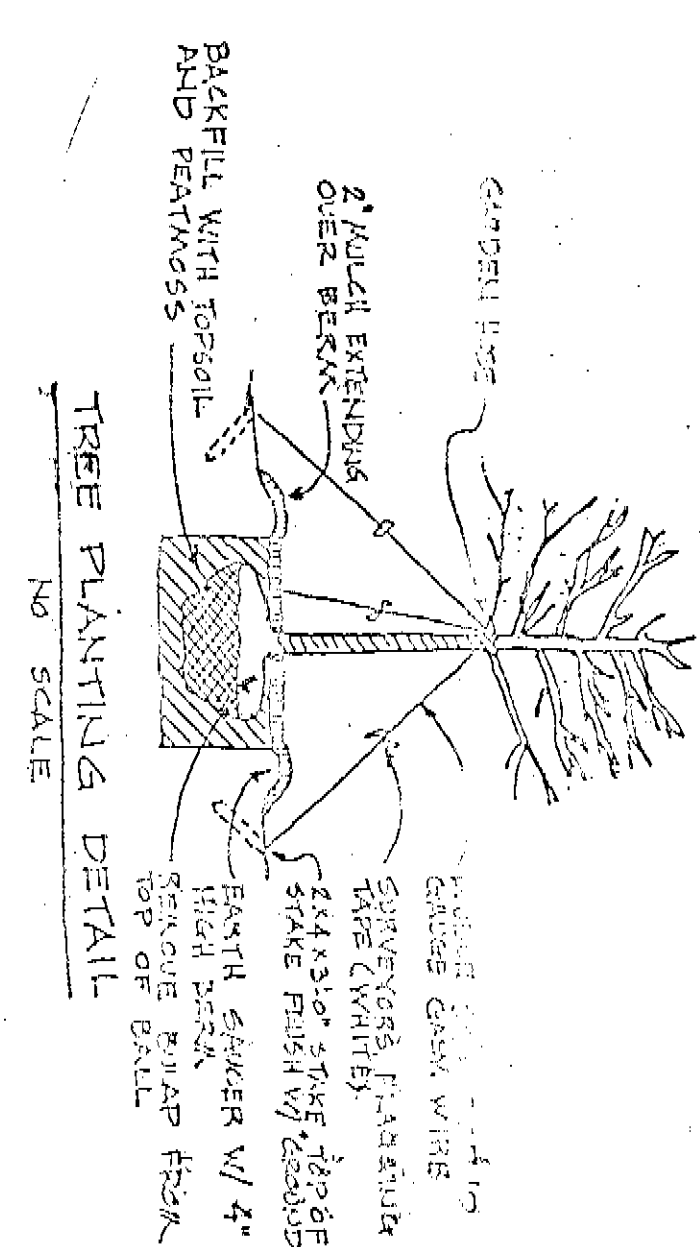
SILT FENCE



- [illegible]

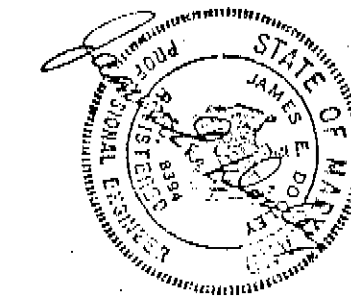
PLANTING SPECIFICATIONS

- [illegible]



NO SCALE


1. Cruciform
 2. Tapered Diamond
 3. Round
 SADDLE SURVEY
 1000 NORTH H
 CATONSVILLE,
 MISS CONY



0707-440 (274)

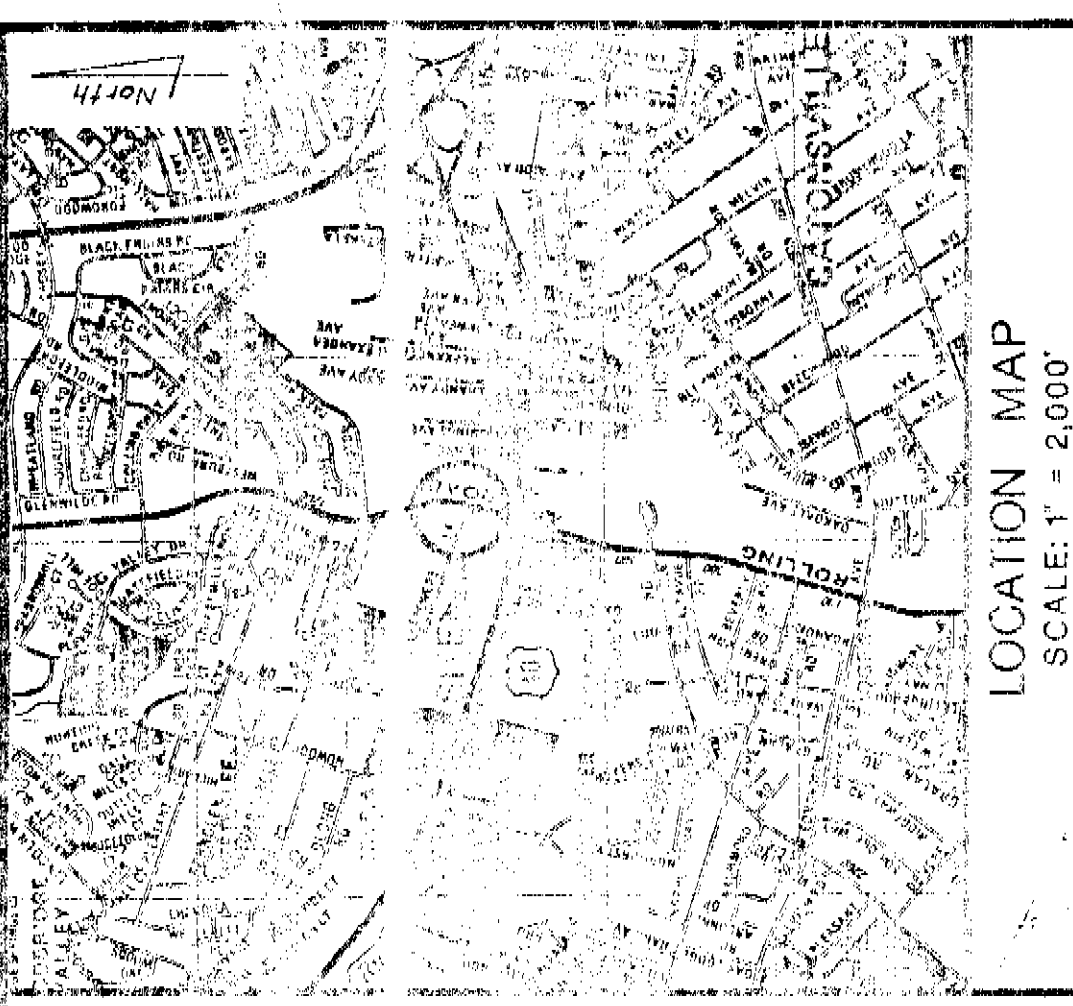
RICHARD L. BEALL, INC., A.I.A.
Architects and Planners
360 Jones Station Road
ARNOLD, MARYLAND 21012

**CAR WASH ADDITION
TO EXISTING BAY
1000 N. ROLLING ROAD
BALTIMORE CO., MARYLAND**



SHELL OIL COMPANY
HOUSTON, TEXAS

TRACT NO.	DRAWING NO.	SHEET	OF
	C-2	2	2



TYPICAL ON SITE CURBING DETAIL

(60' F/W)

POWERS LANE

PETITIONER'S EXHIBIT

LEGEND

- EXISTING CANOVES
- PROPOSED CANOVES
- SILT FENCE
- LIMIT OF DISTURBANCE

1/2" BITUMINOUS CONCRETE SURFACE COURSE (SN)
3/4" BITUMINOUS CONCRETE BASE COURSE (BBI OR BC)
6" COMPACTED CRG

TYPICAL SECTION ON SITE PAVING

NOTE
SEE DIVS. C-2 FOR ALL ZONING NOTES AND CASE INFORMATION.

SITE PLAN
1" = 10'-0"

ZONED BM - CSA USE COMMERCIAL

STORMWATER MANAGEMENT AND GRADING & SEDIMENT CONTROL CONCEPTS
PROPOSED CONSTRUCTION DISTURBS LESS THAN 5,000 SQ. FT. OF AREA AND IS THEREFORE EXEMPT.

1/2" Pipe Rd.
USE COMMERCIAL

1/2" Pipe Rd.
USE COMMERCIAL

1/2" Pipe Rd.
USE COMMERCIAL

1/2" Pipe Rd.
USE COMMERCIAL

1/2" Pipe Rd.
USE COMMERCIAL

1/2" Pipe Rd.
USE COMMERCIAL

1/2" Pipe Rd.
USE COMMERCIAL

- NOTES:
1. PLATINGS AND COORDINATES AS SHOWN HEREON ARE BASED ON THE BALTIMORE COUNTY GEODETIC DISTRICT GRID MERIDIAN, AS SUPPLEMENTED BY THE ADVERSE SURVEY STATIONS:
15547 SOUTH 4539.38 WEST 38777.65
15549 SOUTH 4317.98 WEST 38416.24
 2. ELEVATIONS AS SHOWN HEREON ARE BASED ON TRAVERSE STATION NO. 15547, ELEVATION = 529.943
 3. UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN LOCATED BY AQUAL FIELD MEASUREMENTS, SUPPLEMENTED BY INFORMATION OBTAINED FROM THE VARIOUS AGENCIES INVOLVED. HOWEVER, WE DO NOT GUARANTEE THE ACCURACY FOR THE COMPLETENESS OF THE INFORMATION GIVEN. THE CONTRACTOR MUST VERIFY ALL UTILITIES AND OBSTRUCTIONS PRIOR TO THE START OF CONSTRUCTION. THE UTILITY COMPANIES INVOLVED PRIOR TO THE START OF CONSTRUCTION.
 4. DEED REFERENCE: SHELL OIL COMPANY L. 7029 F. 363
 5. EXISTING ZONING CLASSIFICATION: BL-CSA

ZONED BL
USE COMMERCIAL

1/2" Thomas Doxanas, et al
E.H.K., Jr. G116-157
Zoned: BR-CSA

USE COMMERCIAL

RICHARD L. BEALL, INC., A.I.A.
Architects and Planners
360 Jones Station Road
ARNOLD, MARYLAND 21012

#40X (410) 544-2010

CAR WASH ADDITION
TO EXISTING BAY
1000 N. ROLLING ROAD
BALTIMORE CO., MARYLAND

SHELL OIL COMPANY
HOUSTON, TEXAS

DESIGNED: []
CHECKED: []
DATE: 5-10-95
CONTRACT NO. []
DRAWING NO. C-1
SHEET 1 OF 2

95-408-SPHA

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - SW/Corner Rolling Road and Powers Lane (1000 North Rolling Road) 1st Election District 1st Councilmanic District

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

* Case No. 95-408-SPHA

Shell Oil Company Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 1000 North Rolling Road, just north of its intersection with the Baltimore National Pike in Catonsville. The Petitions were filed by the owners of the subject property, Shell Oil Company, by Don J. DeMumbrum, through their attorney, J. Neil Lanzi, Esquire. The Petitioners seek approval of an amendment to the previously approved site plan in Case No. 88-270-X to permit a new canopy, replacement of existing pump islands and dispensers, and the installation of a relief lane for the existing car wash use on the premises and a variance from Section 405.4.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback of 5 feet in lieu of the required 15 feet for a new canopy, and to permit a setback of 16 feet in lieu of the required 25 feet for the new fuel pumps and pump islands. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the hearing on behalf of the Petitions were Richard L. Beall, Architectural and Planning consultant for Shell Oil Company, Steve Schultz, Project Engineer for Shell Oil Company, and Sheldon Warsaw, Proprietor of the subject site. The Petitioners were represented by J. Neil Lanzi, Esquire. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.54 acres, more or less, zoned B.L.-C.S.A., and is improved with a gasoline service station and accessory car wash as shown on the site plan marked as Petitioner's Exhibit 1. Testimony indicated that a service station has existed on the property since the mid-1960s, and that the accessory car wash was added in 1988, pursuant to a special exception granted in Case No. 88-270-X on February 3, 1988. The Petitioners now seek to upgrade the existing facility to remain competitive with other service stations in the area as well as beautify the site. Proposed improvements include the installation of a canopy and new multiple product dispensers, in accordance with the site plan marked as Petitioner's Exhibit 2. The new fuel pumps will be installed in the same location as the existing gasoline dispensers and the proposed canopy will be constructed over the new pumps and pump islands to provide protection for customers during inclement weather. The Petitioners estimate that the cost of upgrading the property will be approximately \$200,000. In order to proceed with the proposed improvements, an amendment to the previously approved site plan is necessary. Furthermore, the requested variances are necessitated due to the location of existing improvements on the property.

It should also be noted that one of the photographs submitted by the Petitioners depicting existing improvements shows a shipping container to the rear of the existing building on the site. As a condition of approval of the relief requested herein, the Petitioners shall, within sixty (60) days of the date of this Order, obtain a permit for the continued storage of this container on their property, or have same removed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance relief sought should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of June, 1995 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in Case No. 88-270-X to permit a new canopy, replacement of existing pump islands and dispensers, and the installation of a relief lane for the existing car wash use on the premises, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 405.4.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback of 5 feet in lieu of the required 15 feet for a new canopy, and to permit a setback of 16 feet in lieu of the required 25 feet for the new fuel pumps and pump islands, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Within sixty (60) days of the date of this Order, Petitioners shall obtain a permit for the continued storage of the shipping container on this property, or remove same from the site.
- 3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

ORDER RECEIVED FOR FILING
Date 6/21/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/21/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/21/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/21/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

June 21, 1995 (410) 887-4386

J. Neil Lanzi, Esquire
300 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SW/Corner Rolling Road and Powers Lane
(1000 North Rolling Road)
1st Election District - 1st Councilmanic District
Shell Oil Company - Petitioners
Case No. 95-408-SPHA

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. Don J. DeMumbrum
11921 Freedom Drive, Suite 900, Reston, VA 22090

Mr. Richard L. Beall, 360 Jones Station Road, Arnold, MD 21012

Mr. Sheldon Warsaw, 1000 N. Rolling Road, Catonsville, MD 21228

People's Counsel
File

Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at 1000 North Rolling Road
which is presently zoned BL-CSA(AS)

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Amendment of the previously-approved Plan in Case No. 88-270-X and to allow a new canopy, replacement of existing pump islands and dispensers and the installation of a relief lane for the existing car wash.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Who do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contact Purchaser/Owner:
Legal Owner(s) Shell Oil Company
Don J. DeMumbrum
Signature [Signature]
(Type or Print Name)
Address
City State Zipcode
11921 Freedom Drive (703) 707-5600
Suite 900
Reston, VA 22090
City Name, Address and phone number of representative to be contacted
Name Andy Cretal
Address 300 Allegheny Avenue, (410) 337-9039
City Towson, MD 21204
State Zipcode
ESTIMATED LENGTH OF HEARING: 1/2 HR
The following date is available for hearing: Next Two Months
ALL: [Signature]
REVIEWED BY: [Signature] DATE: 5/11/95

ORDER RECEIVED FOR FILING
Date 6/21/95
By [Signature]

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 1000 North Rolling Road
which is presently zoned BL-CSA(AS)

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Legal Owner(s) Shell Oil Company
Don J. DeMumbrum
Signature [Signature]
(Type or Print Name)
Address
City State Zipcode
11921 Freedom Drive (703) 707-5600
Suite 900
Reston, VA 22090
City Name, Address and phone number of representative to be contacted
Name Andy Cretal
Address 300 Allegheny Avenue, (410) 337-9039
City Towson, MD 21204
State Zipcode
ESTIMATED LENGTH OF HEARING: 1/2 HR
The following date is available for hearing: Next Two Months
ALL: [Signature]
REVIEWED BY: [Signature] DATE: 5/11/95

ORDER RECEIVED FOR FILING
Date 6/21/95
By [Signature]

PETITION FOR VARIANCE
Petitioner, Shell Oil Company, for the property known as 1000 North Rolling Road, hereby petitions the Zoning Commissioner for the following variances from the BCZR:

1. Variance from Section 405.4(A) (2) to allow a 5' setback for a new canopy in lieu of the permitted 15 feet.
2. Variance from Section 405.4(A) (2) to allow a 16' setback for the new fuel pumps and pump islands in lieu of the 25 feet permitted.

The new canopy will cover the fuel dispensing area. The modernization proposal also includes the replacement of the existing fuel dispensers and pump islands in the same location as the existing pump islands.

The Zoning Commissioner has the power to grant variances in cases where strict compliance with the BCZR would result in practical difficulty or unreasonable hardship to Petitioner. Petitioner further states the granting of the variances requested will provide substantial justice to the Petitioner and will allow for the observance of the spirit of the BCZR while maintaining the security of the public safety and welfare.

(shelroll:rd)



RICHARD L. BEALL, INC., A.I.A.
ARCHITECT AND PLANNER

95-408-SPHA

ZONING DESCRIPTION
NO. 1000 NORTH ROLLING ROAD
AT THE SOUTHEAST INTERSECTION WITH POWERS LANE,
ELECTION DISTRICT NO. 1,
BALTIMORE COUNTY, MARYLAND.

BEGINNING for the same at a point along the southwesterly right of way line of Powers Lane (60 feet wide), said point being distant North 70° 56' 16" West 215.90 feet from the existing centerline of North Rolling Road, thence running along said southwesterly right of way line of Powers Lane.

1. South 70° 56' 16" East 151.80 feet to a point, thence along a fillet,
2. South 18° 54' 38" East 33.08 feet to a point along the westerly right of way line of North Rolling Road (90 feet wide), thence along same,
3. South 16° 10' 34" West 150.52 feet to a point, thence leaving said North Rolling Road and running,
4. North 77° 00' 43" West 185.41 feet to a point, thence,
5. North 20° 25' 08" East 196.08 feet to the point of beginning ... containing 32,845.9 square feet or 0.7540 acre of land, more or less.

The improvements thereon being known and designated as No. 1000 North Rolling Road.



James Dooley
Md. Professional Engineer No. 8394

May 10, 1995

360 JONES STATION ROAD, ARNOLD, MARYLAND 21012 (410) 544-2010 FAX (410) 647-1960

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: 5/19/95
Posted for: Special Hearing & Variance
Petitioner: Shell Oil Co.
Location of property: 1000 N. Rolling Rd.
Location of Sign: Along Rolling Rd. on property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 5/24/95
Number of Signs: 1

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue, Towson, Maryland 21204, on June 13, 1995 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case Number: 95-408-SPHA (Item 404)
1000 N. Rolling Road
S.W. Rolling Road and Powers Lane
1st Election District - 1st Councilmanic
Legal Owner(s): Shell Oil Company
HEARING: TUESDAY, JUNE 13, 1995 at 9:00 a.m. in Room 118, Old Courthouse.
Special Hearing to approve an amendment of the previously approved plan in case #88-270-X and to allow a new canopy, replacement of existing pump islands and dispensers and the installation of a relief lane for the existing car wash. Variance to allow a 5-foot setback for a new canopy in lieu of the permitted 15 feet; and to allow a 16-foot setback for the new fuel pump islands in lieu of the 25 feet permitted.
LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3391.
5038 May 25.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/25 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/25 1995.

THE JEFFERSONIAN,

A. Henderson
LEGAL AD. - TOWSON
Publisher



Baltimore County Government
Office of Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-408-SPHA

Account: R061-6150

Number: 404
BY JLL

Date: 5/11/95

1 ROWS SPH 040 \$250.00
1 " " VAR 020 \$250.00
1 SIGN FOR BOTH 35.00
TOTAL \$535.00

SHELL OIL CO.

1000 N. ROLLING RD.

PAID BY J. NEIL LANZI
Please Make Checks Payable To: Baltimore County

Cashier Validation

TO: PUTUMBY PUBLISHING COMPANY
May 25, 1995 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzi, Esq.
300 Allegheny Avenue
Towson, MD 21204
337-9039

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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S.W. Rolling Road and Powers Lane
1st Election District - 1st Councilmanic
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HEARING: TUESDAY, JUNE 13, 1995 at 9:00 a.m. in Room 118, Old Courthouse

Special Hearing to approve an amendment of the previously approved plan in case #88-270-X and to allow a new canopy, replacement of existing pump islands and dispensers and the installation of a relief lane for the existing car wash. Variance to allow a 5-foot setback for a new canopy in lieu of the permitted 15 feet; and to allow a 16-foot setback for the new fuel pumps and pump islands in lieu of the 25 feet permitted.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 18, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-408-SPHA (Item 404)
1000 N. Rolling Road
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HEARING: TUESDAY, JUNE 13, 1995 at 9:00 a.m. in Room 118, Old Courthouse

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Carl John

Arnold Jablon
Director

cc: Shell Oil Company
J. Neil Lanzi, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 7, 1995

J. Neil Lanzi, Esquire
300 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 404
Case No.: 95-408-SPHA
Petitioner: Shell Oil Company
Don J. DeMunbrum

Dear Mr. Lanzi:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on May 11, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 404

Petitioner: Shell Oil Company

Location: 1000 N. Rolling Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: J. Neil Lanzi

ADDRESS: 300 Allegheny Avenue

Towson MD 21204

PHONE NUMBER: 337-9039

AJ:ggs

(Revised 04/09/93)

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: May 31, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 1000 North Rolling Road

INFORMATION:

Item Number: 404

Petitioner: Shell Oil Company

Property Size: _____

Zoning: BI-AS

Requested Action: Special Hearing

Hearing Date: 6/13/95

SUMMARY OF RECOMMENDATIONS:

The applicant requests an amendment of the previously approved plan in Case No. 88-270-X and to allow a new canopy, replacement of existing pump islands and dispensers; and the installation of a relief lane for the existing car wash. In addition, the applicant seeks relief from Section 405.4A.2 to allow a 5' setback for a new canopy in lieu of the permitted 15', and to allow a 16' setback for the new fuel pump islands in lieu of the 25' permitted.

Staff has met with the applicant's representatives and finds that the relief necessary to provide the proposed improvements will result in an overall improved site design. Therefore, this office supports the subject request.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kern

PK/JL

ITEM404/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 30, 1995
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section
RE: Zoning Advisory Committee Meeting
for May 30, 1995
Item No. 404

The Developers Engineering Section has reviewed the subject zoning item. The submitted schematic landscape plan seems appropriate. A more detailed review will occur at the final landscape plan stage.

The stacking shown for the car wash is not practical, and the proposed relief lane may introduce potential new operational problems. Contact Rahee J. Famili at 887-3751 to resolve these problems.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/23/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1103

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAY 22, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

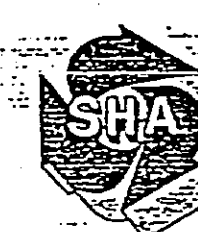
B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 401, 402, 404, 405, 406, 407, 409, 410 AND 411.

RECEIVED
MAY 30 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-16-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 404 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

PETITION PROBLEMS
AGENDA OF MAY 22, 1995

#402 — MJK

1. Need name of legal owner on petition form.
2. Need authorization for "legal agent" to sign for legal owner.

#403 — JRA

1. Receipt was not given to petitioner or attorney.

#404 — JLL

1. Need typed or printed title of person signing for legal owner.

#406 — JJS

1. Incorrect zoning on petition form - VR 5.5????

#410 — JJS

1. Need legal owner's telephone number on petition form.
2. Zoning on petition form does not agree with zoning on folder.
3. Review information not completed on bottom of petition form.
4. No descriptions in folder (see John Sullivan's memo).

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR VARIANCE * ZONING COMMISSIONER
1000 N. Rolling Road, SMC Rolling Road *
and Powers Lane, 1st Election District * OF BALTIMORE COUNTY
1st Councilmanic *
Legal Owner(s): Shell Oil Company * CASE NO. 95-408-SPHA
Petitioner *
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 300 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

J. NEIL LANZI

ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

(410) 337-9039

FAX: (410) 337-8932

J. Neil Lanzi

OF COUNSEL
Paul L. Coover*

*Also Admitted in District of Columbia

ELLCOTT CITY
1460 Ellicott Center Drive
Suite 101
Ellicott City, Maryland 21043

Reply to Towson

Gwen -

Please do not schedule hearing during first - 18th of June - (Lanzen?) + court

Thanks

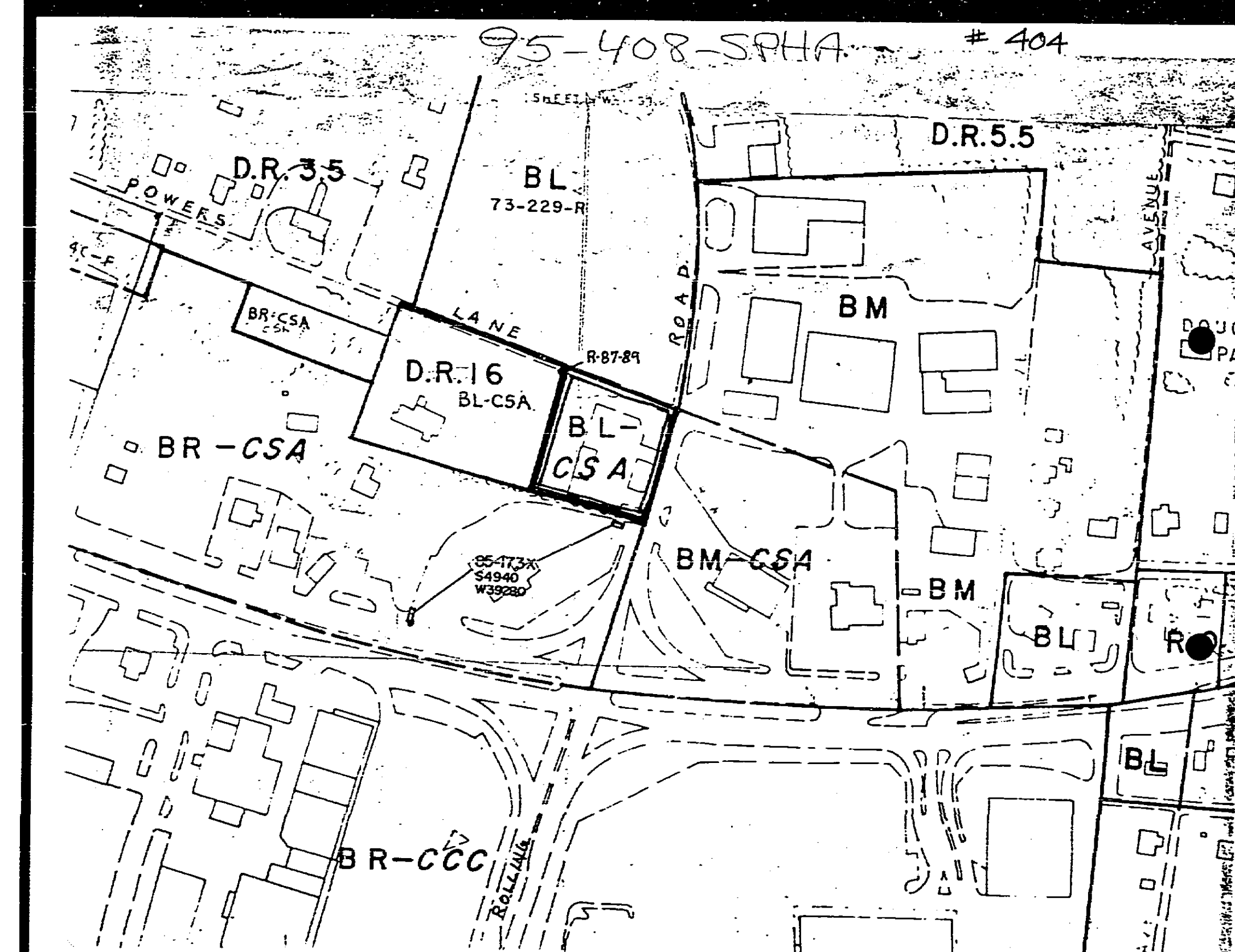
John Lanzi

SHELL OIL COMPANY
MARKETING ORGANIZATION

Certificate of Authority

W. R. Burroughs certifies that he is an Assistant Secretary of Shell Oil Company, a Delaware corporation, and further certifies that the District Manager - Retail is authorized, in the Company's name and on its behalf, to execute, deliver, accept, assign, amend, extend, terminate, or release instruments or documents in the usual course of business of the Head Office Department or the Field Office, as the case may be, as required in fulfilling the duties of their assignment. These authorities include, but are not limited to, purchase or sale of real or personal property; leases and subleases of real or personal property; grants of easements; rights-of-way; contracts transferring title to real property, equipment, or materials; bonds to governmental authorities; alcoholic beverage permits or licenses; contracts for the sale and delivery of products and services sold by the Company; contracts for the purchase of products or services utilized by the Company; agreements providing indemnification against, or settlement of, damages resulting from soil or groundwater contamination due to service station operations; and agreements providing access to others' properties for the purpose of performing environmental testing, remediation, or mitigation of soil or groundwater contamination.

It is further certified that D. J. DeMumbrum is the District Manager, Mid-Atlantic Retail District, in the Marketing Organization of the Company.

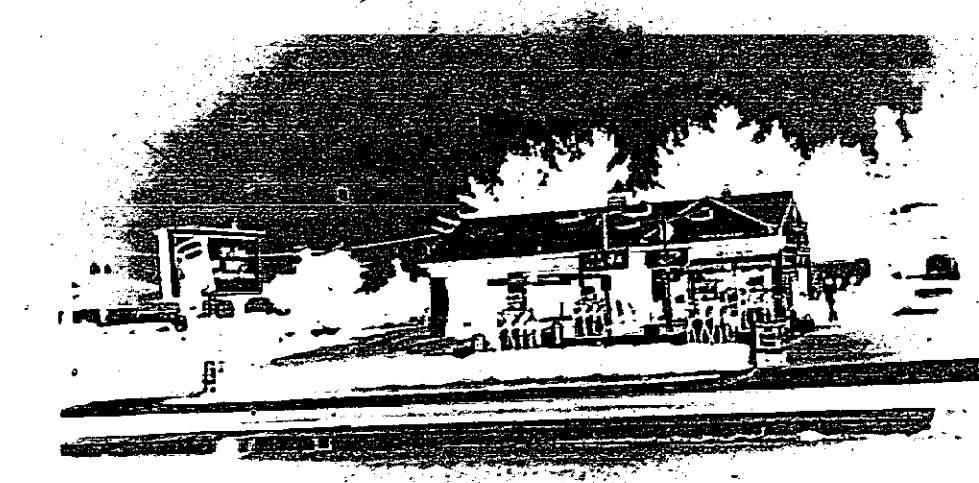
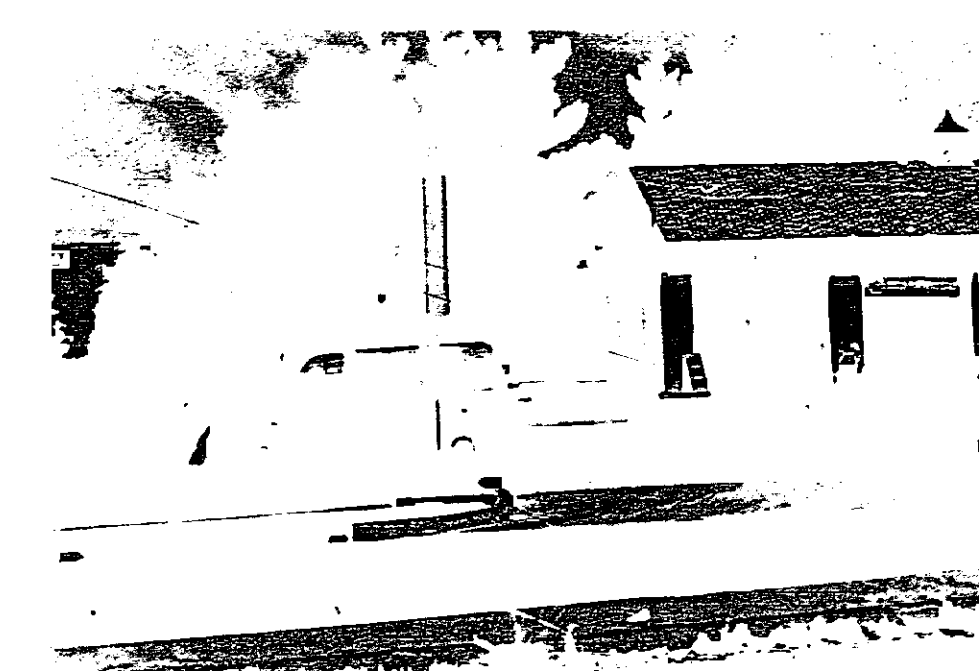


95-408-SPHA



108

Petitioner's
Exhibits
3A-3C
95-408-SPHA



PETITIONER'S EXHIBIT 4

Survey - 1000 North Rolling Road

Let it be known that Shell Oil Company is the owner of the Shell Service Station property known as 1000 North Rolling Road in Baltimore County. Shell Oil Company has submitted zoning petitions with Baltimore County for this property. The petitions request approval of a new illuminated canopy, the installation of new pump islands and dispensers and the installation of a relief lane for the existing car wash. Variances have been requested to allow a 5-foot setback for the new canopy in lieu of the permitted 15 feet and to allow a 16-foot setback for the newly-installed fuel pumps and pump islands in lieu of the 25 feet permitted. There will be no expansion of the existing station or of any of the existing buildings located on the service station property.

I have read the above statements and am in favor of the zoning requests and the proposed improvements.

Name	Address	Date
Robert R. Sharp	1626 Kirkwood Rd	31 May 95
Samuel Edwards	1909 Bower Wy Rd	31 May 95
John McNeill	5315 Bonbrun Rd	31 May 95
John Winkler	9189 Rolling Road Rd	31 May 95
Frank Campbell	2013 Cedar Creek Dr	31 May 95
Howard Taylor	13545 Old Romp Rd	31 May 95
Selma Lambert	2001 Seaside Hsp	31 May 95
Al Jones	1202 Newcomb Dr	31 May 95
Al	1005 Lilies Lane	31 May 95
Sam Osterloh	4 Marathon Ct	5/31/95
Vanessa Koonce	1917 Powers Ln	5-31-95
Tamara Barker	1917 Powers Ln	5-31-95
David Pike	3111 Andy Martin Rd	5-31-95
Harold Taylor	6303 Caracua - 1001	5-31-95
David Taylor	9200 Fox Den Rd	5-31-95
John Munn	4209 Yone Rd	5/31/95
John Taylor	301 Lord Byron Tr	5/31/95

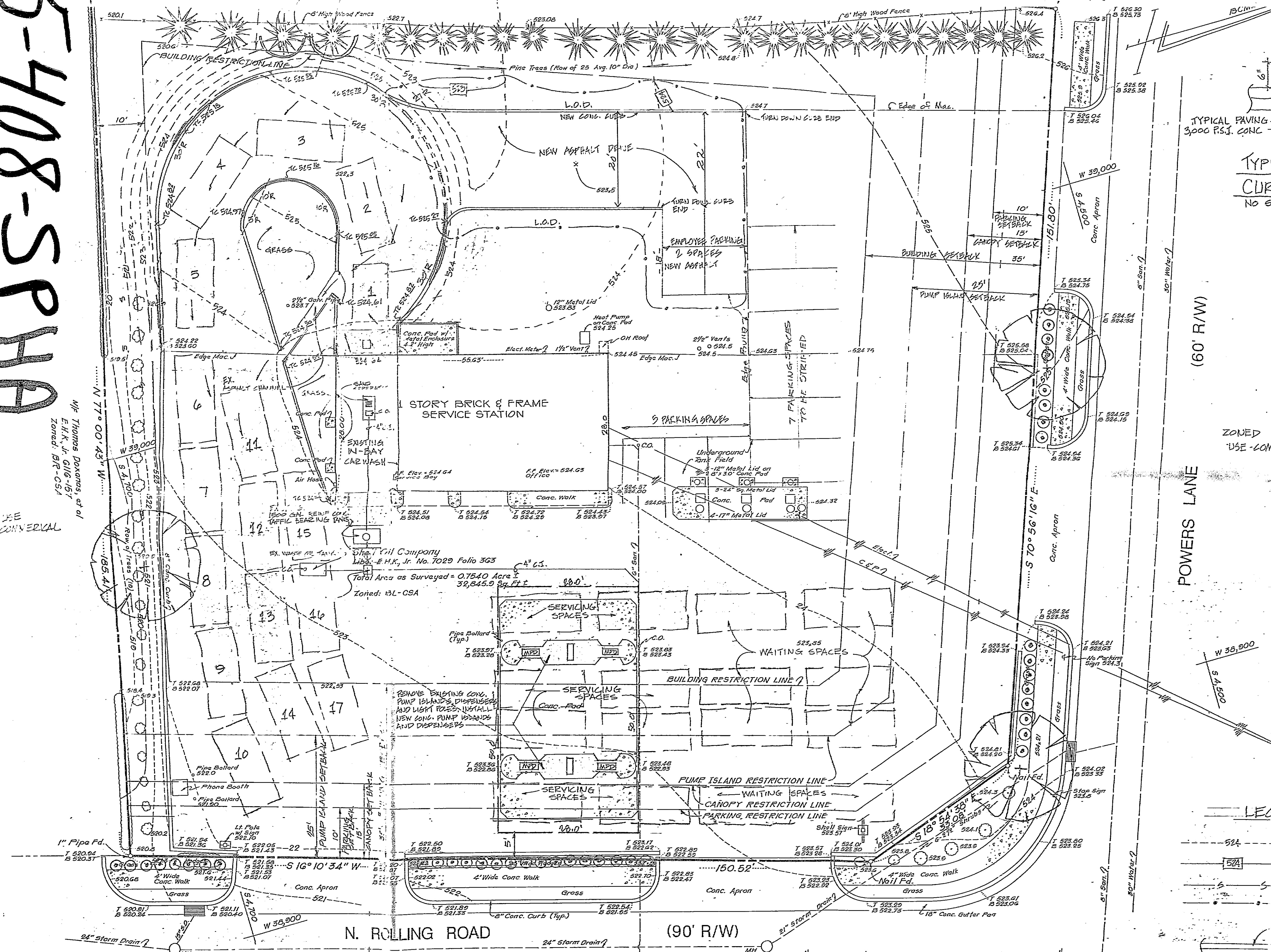
(shell.suc)

95-408-SPHA

W/ Richard C. Beall, Inc.
E.H.K., Jr. 5808-333
Zoned: BR-16

N 70° 25' 00" E

W/ Thomas Donahoe, et al
E.H.K., Jr. 616-157
Zoned: BR-05A
USE COMMERCIAL



STORMWATER MANAGEMENT AND
SEEDING & SEDIMENT CONTROL CONCEPTS
PROPOSED CONSTRUCTION DISTURBS LESS THAN
3,000 SQ. FT. OF AREA AND IS THEREFORE EXEMPT.

SITE PLAN
1" = 10'-0"

ZONED BR-05A USE COMMERCIAL

NOTE
SEE Dwg. C-2 FOR ALL ZONING NOTES
AND CASE INFORMATION.

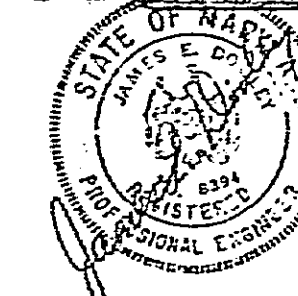
TYPICAL SECTION
ON SITE PAVING

TYPICAL ON SITE
CURBING DETAIL
NO SCA-E

NOTES:

- BEARINGS AND COORDINATES AS SHOWN HEREON ARE BASED ON THE BALTIMORE COUNTY METROPOLITAN DISTRICT GRID MERIDIAN, AS REFERENCED FROM TRAVERSE STATIONS:
15547 SOUTH 4539.38 WEST 38777.65
15548 SOUTH 4317.98 WEST 39416.24
- ELEVATIONS AS SHOWN HEREON ARE BASED ON TRAVERSE STATION NO. 15547. ELEVATION = 529.943
- UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN LOCATED BY ACTUAL FIELD MEASUREMENTS, SUPPLEMENTED BY INFORMATION OBTAINED FROM THE VARIOUS AGENCIES INVOLVED. HOWEVER, WE DO NOT GUARANTEE THE ACCURACY NOR THE COMPLETENESS OF THE INFORMATION GIVEN. THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION AND MUST NOTIFY THE UTILITY COMPANIES INVOLVED PRIOR TO THE START OF CONSTRUCTION.
- DEED REFERENCE: SHELL OIL COMPANY L. 7029 F. 363
- EXISTING ZONING CLASSIFICATION: BL-CSA
- TOTAL AREA TO BE DISTURBED: 2,160 S.F.
AREA TO BE MECHANICALLY STABILIZED: 1,582 S.F.
SILT FENCE TO BE INSTALLED: 578 L.F.
PUMP ISLAND WATER AND SEWER PRELIMINARY SERVING SITE.
- OWNER: SHELL OIL COMPANY
TWO PELIUS WAY, SUITE 401
NEWCASTLE, DELAWARE
ATTN: DON BACHAND
302-323-1700 EXT. 209
- CAR WASH STACKING:
A RYO ROLL-OVER CAR WASH WILL BE USED.
NO. OF CARS PER HOUR = 7
STACKING SPACES REQUIRED = $(\frac{1}{2} \times 7) + 10 = 13.5$
NO. OF SPACES PROVIDED = 17
- NEW LANDSCAPING:
CANYON BARK: REFURBERS 13'-24" SPR. QUANTITY = 40
ZELKOVIA DEER: 'GREEN WAVE' 2'-2 1/2" CAL. QUANTITY = 4
SEE LANDSCAPING DETAILS AND NOTES ON C-2.

PETITIONER'S
EXHIBIT 1



No.	REVISIONS	BY	APP. DATE

RICHARD L. BEALL, INC., A.I.A.

Architects and Planners
360 Jones Station Road
ARNOLD, MARYLAND 21012

#404 (410) 544-2010

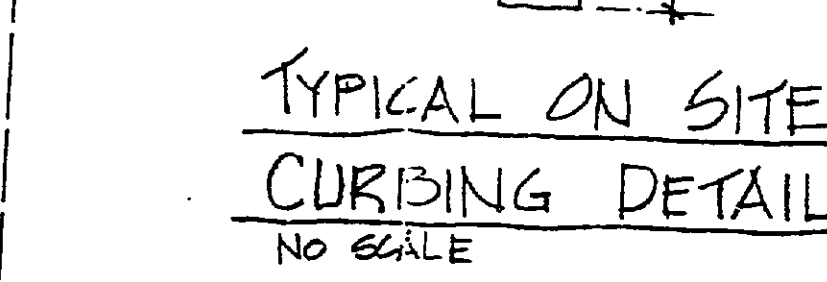
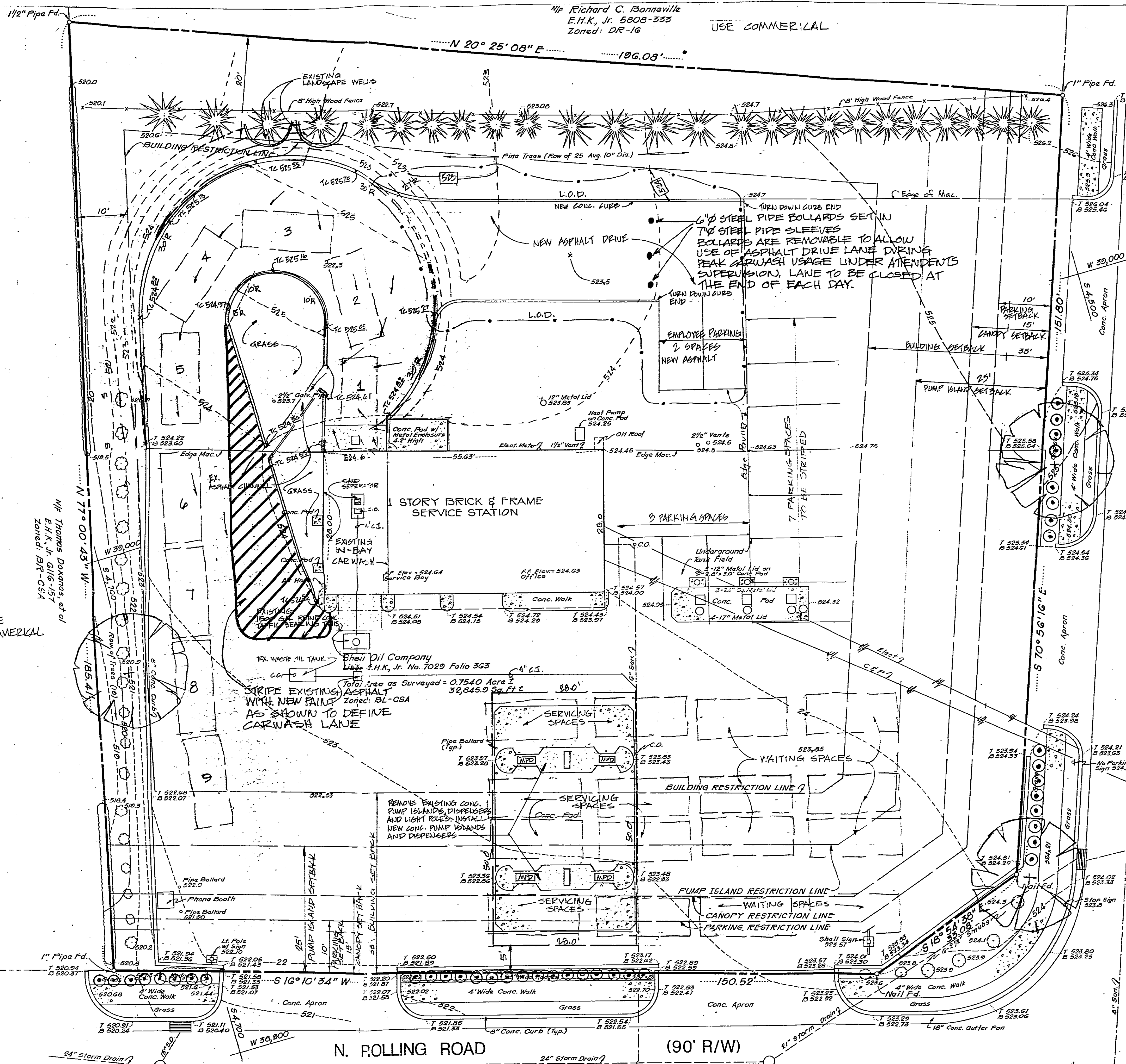
CAR WASH ADDITION
TO EXISTING BAY

1000 N. ROLLING ROAD
BALTIMORE CO., MARYLAND

SHELL OIL COMPANY
HOUSTON, TEXAS

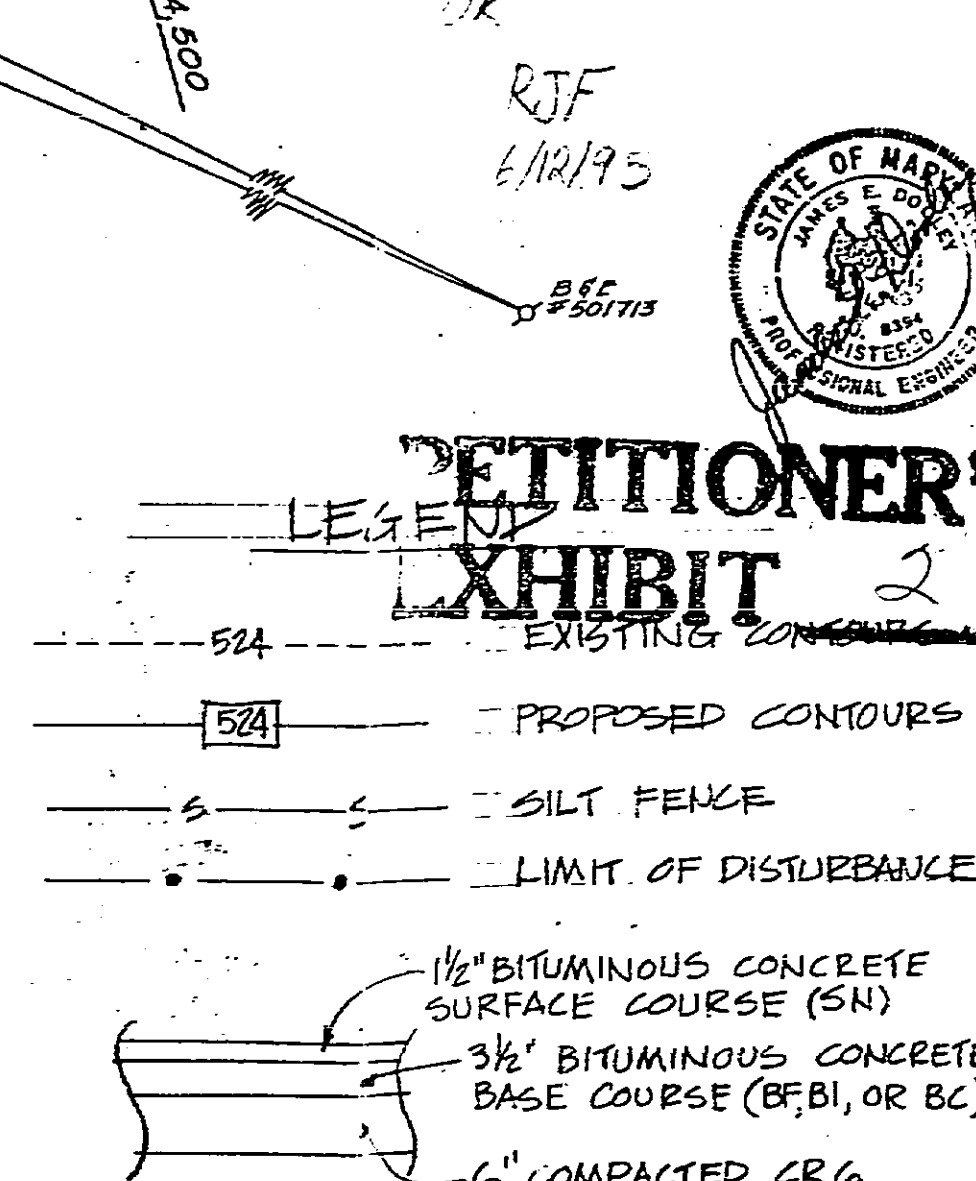
DESIGNED: DRAWN: 5-10-95	CHECKED: SUPERVISED: CONTRACT NO.
--------------------------------	---

DRAWING NO. C-1 SHEET 1 OF 2



- NOTES:
- BEARINGS AND COORDINATES AS SHOWN HEREON ARE BASED ON THE BALTIMORE COUNTY METROPOLITAN DISTRICT GRID MERIDIAN, AS REFERENCED FROM TRAVERSE STATIONS:
15547 SOUTH 4539.38 WEST 38777.65
15548 SOUTH 4317.98 WEST 39416.24
 - ELEVATIONS AS SHOWN HEREON ARE BASED ON TRAVERSE STATION NO. 15547. ELEVATION = 529.943
 - UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN LOCATED BY ACTUAL FIELD MEASUREMENTS, SUPPLEMENTED BY INFORMATION OBTAINED FROM THE VARIOUS AGENCIES INVOLVED. HOWEVER, WE DO NOT GUARANTEE THE ACCURACY NOR THE COMPLETENESS OF THE INFORMATION GIVEN. THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION AND MUST NOTIFY THE UTILITY COMPANIES INVOLVED PRIOR TO THE START OF CONSTRUCTION.
 - DEED REFERENCE: SHELL OIL COMPANY L. 7029 F. 363
 - EXISTING ZONING CLASSIFICATION: BL-CSA
 - TOTAL AREA TO BE DISTURBED: 2,160 S.F.
AREA TO BE MECHANICALLY STABILIZED: 1,582
AREA TO BE VEGETATIVELY STABILIZED: 578
 - PUBLIC WATER AND SEWER PRESENTLY SERVING SITE.
 - OWNER: SHELL OIL COMPANY
TWO PULVIS WAY, SUITE 401
NEWCASTLE, DELAWARE
ATTN: DON BACHAND
302-325-1700 EXT. 209
 - CAR WASH STACKING:
A RYKO ROLL-OVER CAR WASH WILL BE USED.
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STACKING SPACES REQUIRED = $(\frac{1}{2} \times 7) + 10 = 13.5$
NO. OF SPACES PROVIDED = 17
 - NEW LANDSCAPING:
TAXUS BAC. REPANDENS 10'-24" SPR., QUANTITY = 40
ZELKOVA SEBR. 'GREEN VASE' 2'-2 1/2' CAL., QUANTITY = 4
SEE LANDSCAPING DETAILS AND NOTES ON DWG. 2.

POWERS LANE (60' R/W)



STORMWATER MANAGEMENT AND GRADING & SEDIMENT CONTROL CONCEPTS
PROPOSED CONSTRUCTION DISTURBS LESS THAN 5,000 SQ. FT. OF AREA AND IS THEREFORE EXEMPT.

SITE PLAN
1" = 10'-0"

NOTE
SEE DWG. C-2 FOR ALL ZONING NOTES AND CASE INFORMATION.

ZONED BM - CSA USE COMMERCIAL



No. REVISIONS		BY APP. DATE
RICHARD L. BEALL, INC., A.I.A. Architects and Planners 360 Jones Station Road ARNOLD, MARYLAND 21012 (410) 544-2010		
CAR WASH ADDITION TO EXISTING BAY 1000 N. ROLLING ROAD BALTIMORE CO., MARYLAND		
SHELL OIL COMPANY HOUSTON, TEXAS		
DESIGNED: 5-10-95	CHECKED: 5-10-95	SUP. BY:
CONTRACT NO.	DRAWING NO.	SHEET 1 OF 2

IN THE MATTER OF * BEFORE THE
THE APPLICATION OF * COUNTY BOARD OF APPEALS
ROBERT L. WOOLF, ET UX
FOR A SPECIAL EXCEPTION ON
PROPERTY LOCATED ON THE EAST * OF
SIDE FALLS ROAD, 4,195' SOUTH
OF RIDGE ROAD * BALTIMORE COUNTY
(16907 FALLS ROAD)
5TH ELECTION DISTRICT * CASE NO. 95-409-X
3RD COUNCILMANIC DISTRICT

OPINION AND ORDER

WHEREAS, the Appellants, Robert L. Woolf, Jr., and his wife, Sadie F. Woolf, through their attorney, Charles E. Brooks, Esquire, filed a Petition for Special Exception before the Zoning Commissioner of Baltimore County to approve the use of their property at 16907 Falls Road, Upperco, as a landscape service operation, pursuant to Sections 1A01.2.C.11.a and 404.3 of the Baltimore County Zoning Regulations (B.C.Z.R.); and

WHEREAS, the Appellants have reached an agreement with the Protestants, Ethan J. Young, Phil Watson, Rudolph Toth, and Wayne R. Hess, through their attorney, J. Carroll Holzer, Esquire, regarding the use, hours of operation, and buffering of the property; and

WHEREAS, a hearing was held on July 1, 1997, before the County Board of Appeals for Baltimore County, at which time the Board took testimony and admitted evidence and exhibits on behalf of the Appellant; and

WHEREAS, the Board has reviewed the matter and found that the testimony presented by the Appellant's son, Jeffrey Scott Woolf, who operates the family business with his father, as well as the testimony by Eugene Raphael, accepted as an expert professional land

Case No. 95-409-X Robert L. Woolf, et ux -Petitioners 2
surveyor, Norman Gerber, accepted as an expert in land planning, and Richard Moore, vice-president of Wells and Associates, accepted as an expert in traffic engineering, satisfies the requirement of Section 502.1 of the B.C.Z.R. and further supports granting of the petition under Section 404.3 of the B.C.Z.R.; and

WHEREAS, the parties wish to resolve by this Order all issues affecting the property without further proceedings;

NOW, THEREFORE, it is this 9th day of September, 1997 by the County Board of Appeals of Baltimore County,

ORDERED, that the Petition for Special Exception to use the property known as 16907 Falls Road, 5th Election District, 3rd Councilmanic District, for a landscape service operation in accordance with Joint Exhibits No. 1 (plat of the subject property) and No. 2 (agreement), be and the same is hereby GRANTED.

The Petition herein granted is and shall be subject, however, to the terms and conditions more fully set forth in the agreement between the Appellants and the Protestants, including, specifically, the following conditions on the use of the Premises:

1. **VEHICLE FUEL TANKS:** Underground storage tanks for vehicle fuel (gasoline and diesel) will be removed and installed above ground with spill containment devices.
2. **PESTICIDES:** No storage of pesticides on the property greater than five (5) gallons for personal use.
3. **SALT:** Any salt stored on the property will be stored in such a manner as to prevent ground water contamination. Salt shall be bagged and under roof.
4. **UNTAGGED VEHICLES:** No untagged vehicles shall be stored on the property unless stored inside a building.
5. **HOURS OF OPERATION:** The landscape service business conducted on the property shall be primarily between

- Case No. 95-409-X Robert L. Woolf, et ux -Petitioners 3
- sunrise and sunset. Protestants understand that Woolf family members drive company vehicles and such activity shall not be construed to be "doing business." Protestants also recognize and understand that, on occasion, the hours of operation may be outside the sunrise to sunset limits due to factors beyond Woolf's control.
 6. **NUMBER OF EMPLOYEES:** No more than fifteen (15) employees of the landscape business plus Woolf family members shall be on the property at any one time.
 7. **EQUIPMENT:** Woolf agrees not to have dump trucks on the property for the landscape business in excess of 30 ton capacity. Hydroseeder/water truck units are allowed. Protestants recognize that particular job requirements may necessitate the need for bulldozers, graders and/or bobcats on the property. Bulldozers and graders would normally be for special job requirements and for limited duration.
 8. **RETAIL SALES:** There will be no retail sales of plants, trees, nursery products or landscape materials from the property. Wholesale sales of plant and nursery materials will be allowed.
 9. **WATER:** Water to maintain unplanted plants and trees used in landscape business shall be taken from the pond only.
 10. **TOTH BUFFER:** Woolf is agreeable to maintaining a twenty (20) foot buffer of evergreen trees along the north boundary line of the special exception area and shown on the Plat dated February 28, 1995 prepared by E.F. Raphael & Associates and designed as the north 72' 24'48"E 469.97' line. The 20-foot buffer area shown on the Plat identified as Joint Exhibit No. 1.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**

[Signature]
Kristine K. Howanski, Chairman
[Signature]
Margaret Morral
[Signature]
Thomas P. Melvin



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

September 9, 1997

Charles T. Brooks, Esquire
BROOKS & SPICER
610 Bosley Avenue
Towson, MD 21204

RE: Case No. 95-409-X
Robert L. Woolf, et ux -Petitioners

Dear Mr. Brooks:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Unless otherwise requested within 30 days from the date of this Order, this file will be closed at the conclusion of that period.

Very truly yours,
[Signature]
Kathleen C. Bianco
Administrator

encl.

cc: Mr. & Mrs. Robert L. Woolf, Jr.
Eugene F. Raphael
Norman E. Gerber
J. Carroll Holzer, Esquire
Ethan J. Young
Phil Watson
Rudolph R. Toth
Wayne R. Hess
People's Counsel for Baltimore County
Pat Kellier, Planning Director
Arnold Jablon, Director /PDM
Donna Thompson /PDM
Lawrence E. Schmidt
Virginia W. Barnhart, County Attorney

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
5/8 Falls Road, 4,195' S of * DEPUTY ZONING COMMISSIONER
Ridge Road * OF BALTIMORE COUNTY
(16907 Falls Road)
5th Election District * Case No. 95-409-X
3rd Councilmanic District *
Robert L. Woolf, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception for that property known as 16907 Falls Road, located in the vicinity of Gorsuch Mill Road and Mount Zion Road in Upperco. The Petition was filed by the owners of the property, Robert L. Woolf, Jr., and his wife, Sadie F. Woolf, through their attorney, Charles E. Brooks, Esquire. The Petitioners seek approval of a landscape service operation on the subject property, pursuant to Sections 1A01.2.C.11.a and 404.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Robert L. Woolf, Jr., his sons, Robert L. Woolf, III and Jeffrey Woolf, Eugene F. Raphael, Professional Land Surveyor, who prepared the site plan for this project, and Charles E. Brooks, Esquire, attorney for the Petitioner. Numerous residents from the surrounding community appeared in opposition, including the adjoining property owner, Ethan Young.

Testimony and evidence offered revealed that the subject property is comprised of two parcels with a combined area of 29.054 acres, more or less, zoned R.C.2. Parcel 1 of the property consists of 28.075 acres,

more or less, and is improved with a single family dwelling, a 38' x 62' barn, a 42' x 130' combination work shop and storage building as shown on Petitioner's Exhibit 1. Approximately 8.136 acres of the overall tract are being devoted to a landscape service operation which has existed on the property since 1976. The remainder of the tract is farm land. Mr. Robert Woolf, Jr. testified that in 1976 his family commenced operating the landscape service business from the subject site. He testified that they offer full-service landscaping, including design, installation and maintenance of all plant materials used. Mr. Woolf testified that many of their projects are for the State Highway Administration. The tools, supplies and materials used in their operation, such as fertilizers, straw, seed, mulch, trees and shrubs, are stored on the subject site. Mr. Woolf further testified that the business is open between the hours of 7:30 AM to 4:00 PM, Monday through Friday, with some Saturday hours, and no Sunday hours. The work crews meet at the site at 7:30 AM and return at 4:00 PM each business day. Mr. Woolf employs 8 to 12 persons year-round with additional summer help being hired during warmer weather.

Mr. Woolf testified that this operation as it presently exists has been constant for the past five years and that there has been no expansion to the use in that time. Mr. Woolf wishes to continue to operate this landscape business on the subject site, and indicated he has no intentions of enlarging his operation from its present status.

As noted above, several residents from the surrounding community appeared as Protestants in the matter. Rudolph Toth, Ethan Young, Phil Watson, and Wayne Hess, all appeared and offered testimony in opposition to the Petitioner's request. These residents are concerned that the landscape service operation will continue to grow and become a problem.

The Protestants are not so much concerned with the operation as it presently exists, but are more concerned about a future expansion, or if the Woolf family would ever sell out to an outside landscaping company. They also voiced concern about traffic in the area, given the fact that vehicles travel at a high rate of speed on Falls Road, and the entrance to this property cannot be seen from a great distance. They further testified that the trucks that exit this property onto Falls Road are slow-moving, and sometimes force vehicles to suddenly break when coming upon one of them. These residents also expressed concern over noise, and the chemicals, fertilizers, and fuel oil which are stored on the property, given the location of a nearby stream and pond on the property. These residents also obtain their drinking water from underground wells and they are concerned about the possibility of contamination.

Additional testimony demonstrated that there is a certain amount of junk and debris stored on the property as well as junk vehicles. Testimony indicated that the trash and debris consists of old dead plant material, some paper trash, wire, tree stakes, and a few tires. Further testimony revealed that Mr. Woolf restores antique cars as a hobby, and that he has bought some cars for parts and discarded some. Apparently, there are 10 or 12 junked and/or disabled vehicles being stored on the property. The Petitioners were instructed at the hearing to clear their property of all trash and debris, as well as to remove all abandoned and disabled junk vehicles, which are not permitted in an R.C. 2 zone, pursuant to the B.C.Z.R. This clean up was to be done as soon as possible, regardless of my decision in this matter. In fact, I purposely delayed making a decision on this matter to see if the Petitioners would take immediate action to bring the property into compliance with the zoning

regulations. Clearly, it would not be appropriate to grant a special exception request if other provisions of the B.C.Z.R. are being violated.

Recently, Donna Thompson, the Baltimore County Zoning Inspector for this area, revisited this property to determine its compliance with the B.C.Z.R. Photographs taken by Ms. Thompson, and the inspection report filed by her, demonstrate that the property continues to be in violation of the B.C.Z.R., by virtue of the junk and abandoned vehicles remaining on the property, as well as the trash and debris that continues to collect on the property. Ms. Thompson saw little, if any, improvement to the subject site and stated that the property remains in violation of the B.C.Z.R.

After considering the results of Ms. Thompson's inspection of the property, as well as the testimony and evidence presented at the hearing, I am persuaded to deny the Petitioner's request for special exception.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In fact, the Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have an adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

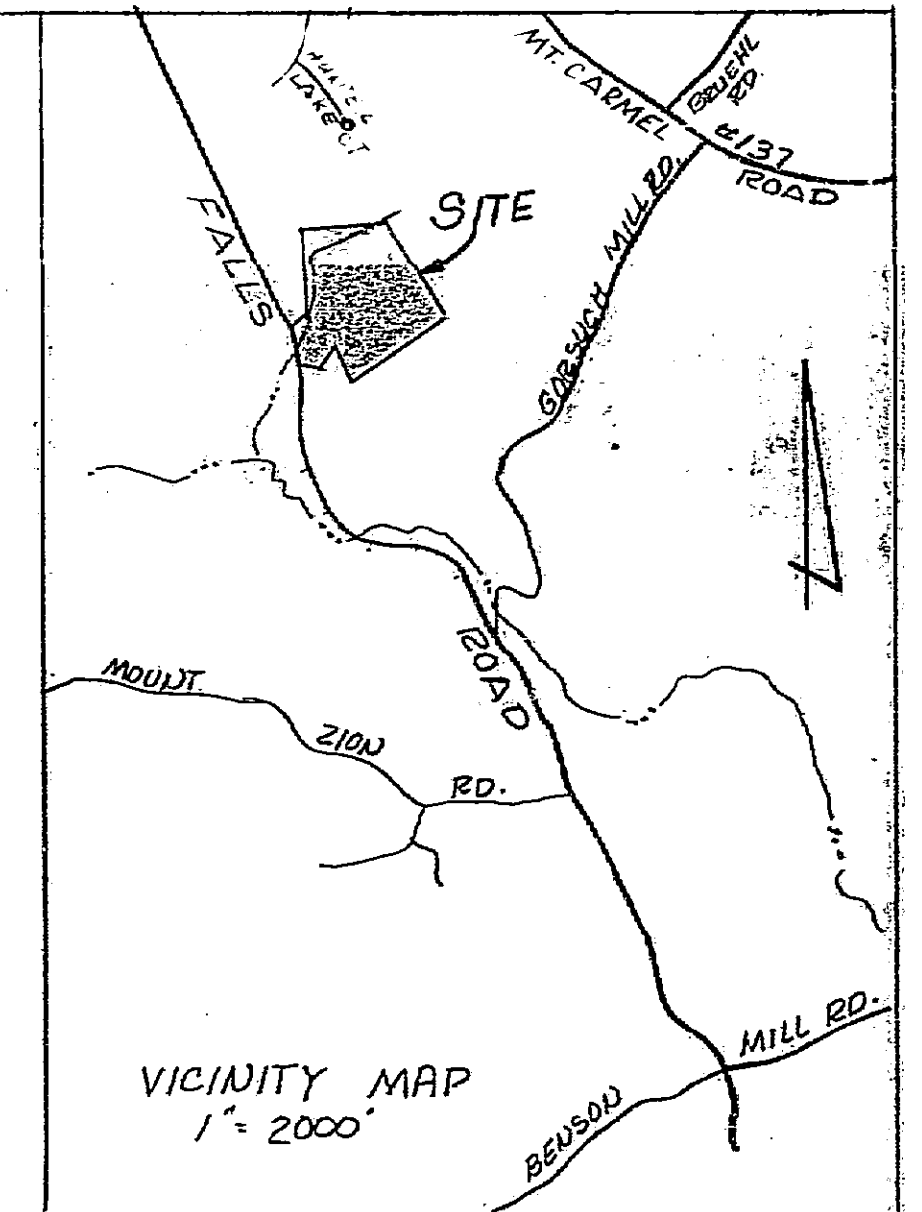
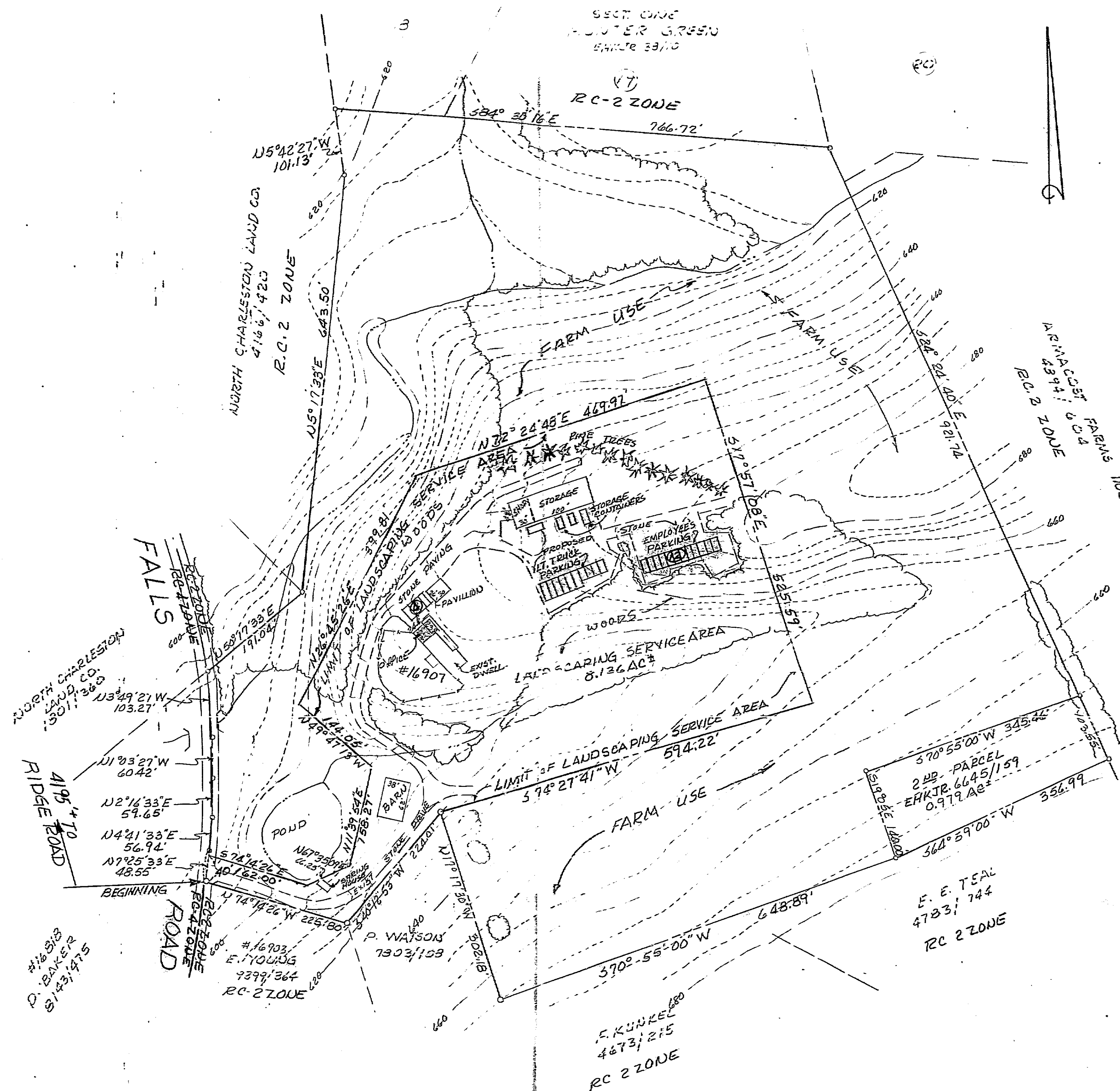
The proposed use will be detrimental to the health, safety, or general welfare of the locality, and will tend to create congestion in roads, streets, or alleys therein. It will be inconsistent with the pur-

ORDER RECEIVED FOR FILING
Date *9/11/97*
By *[Signature]*

CARDEN RECEIVED FOR FILING
Date *9/11/97*
By *[Signature]*

ORDER RECEIVED FOR FILING
Date *9/11/97*
By *[Signature]*

ORDER RECEIVED FOR FILING
Date *9/11/97*
By *[Signature]*



GENERAL NOTES

EXISTING ZONE	RC 2 ZONE
AREA OF PROPERTY	PARCEL #1 28.075 AC [±]
	PARCEL #2 0.979 AC [±]
	TOTAL 29.054 AC [±]
EXISTING USE	FARM USE & LANDSCAPING SERVICE
PROPOSED USE	FARM USE & LANDSCAPING SERVICE

- 1) PRIVATE WELL & SEPTIC SYSTEM
- 2) 3RD COUNCIL DISTRICT
- 3) DEED REF: 6645/159 TAX# 05-12-089050, 05-16-00008668
- 4) ZONING SHEETS UN 27H & UN 27G

PARKING DATA

OFFICE	3.3 SPACE/1000 [±] : 593 [±]	= 2 SPACES
EMPLOYEE'S	1/PEREMP. (12EMPLOY)	= 12 SPACES
RESIDENCE		= 2 SPACES
PARKING SPACES REQ.		= 16 SPACES
PARKING SPACES SHOWN		= 16 SPACES (8'x20')

PETITIONER'S EXHIBIT

PLAT TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION
#16907 FALLS ROAD
PROPERTY OF
ROBERT L. WOLF ET AL.

5 ELECTION DIST. BALTO. CO. MARYLAND
6 ALE 1" = 100' FEB. 28, 1995

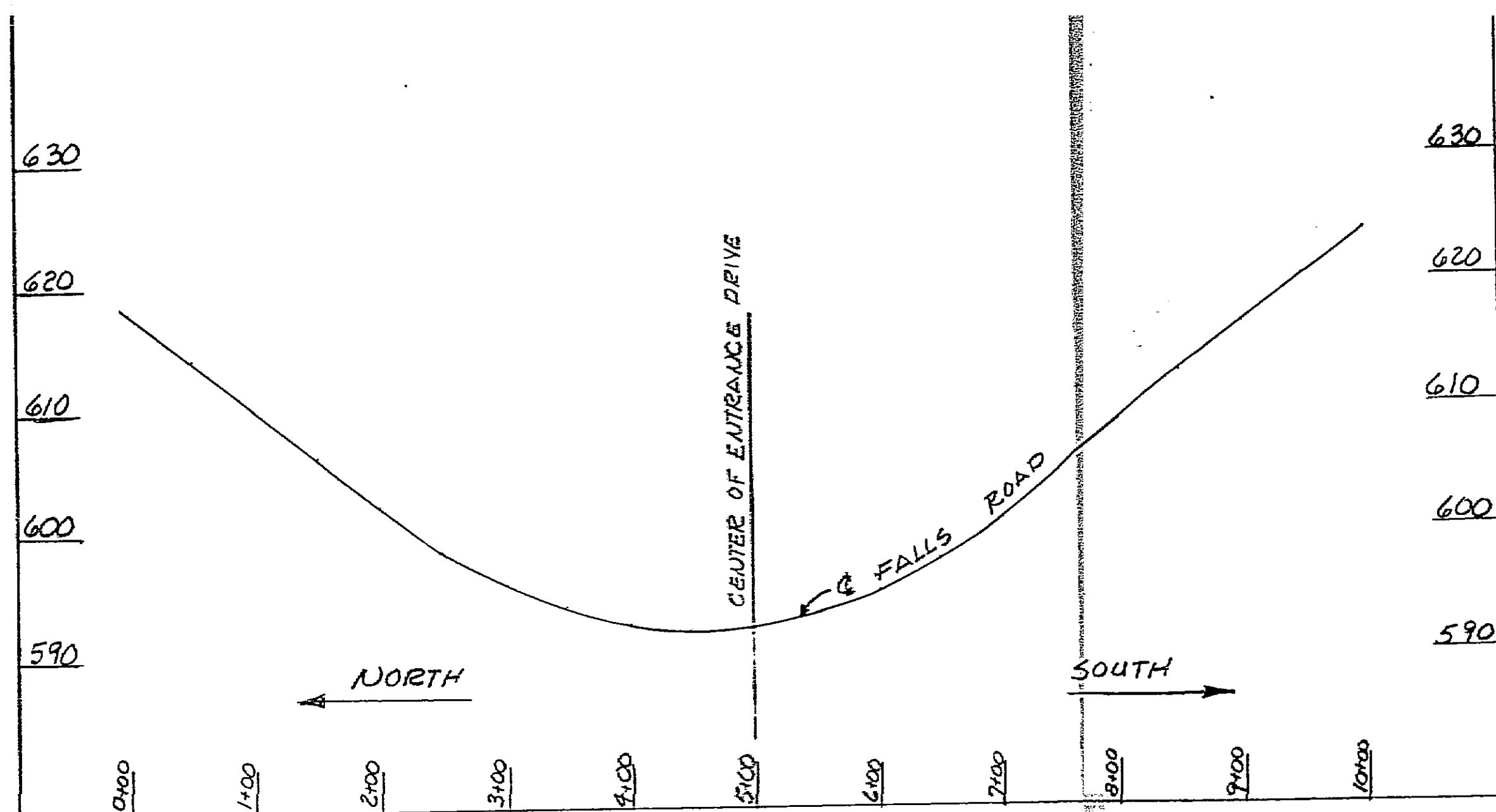
OWNER:
ROBERT L. WOLF JR.
#16907 FALLS ROAD
UPPER CO. MD.
21155

REGISTERED PROFESSIONAL
205 COUNTRY CLUB
TOWSON, MARYLAND 21204



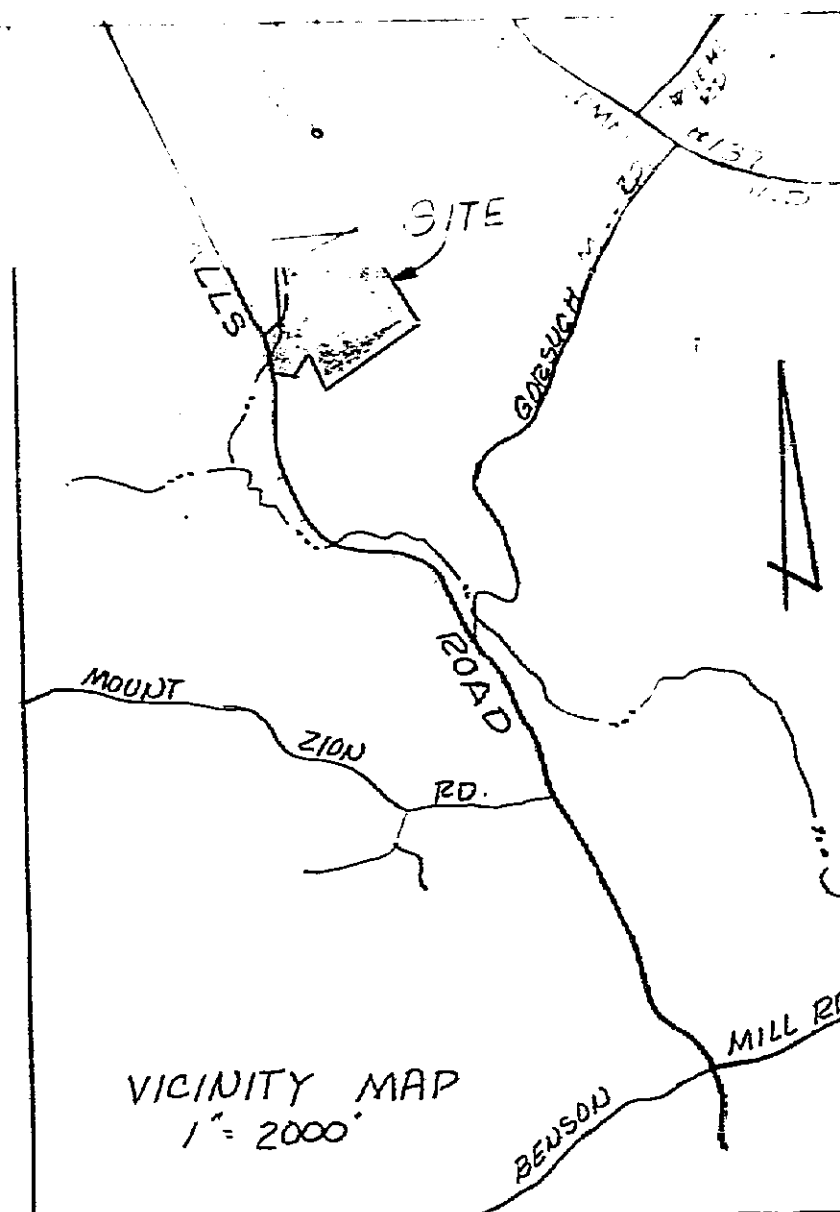
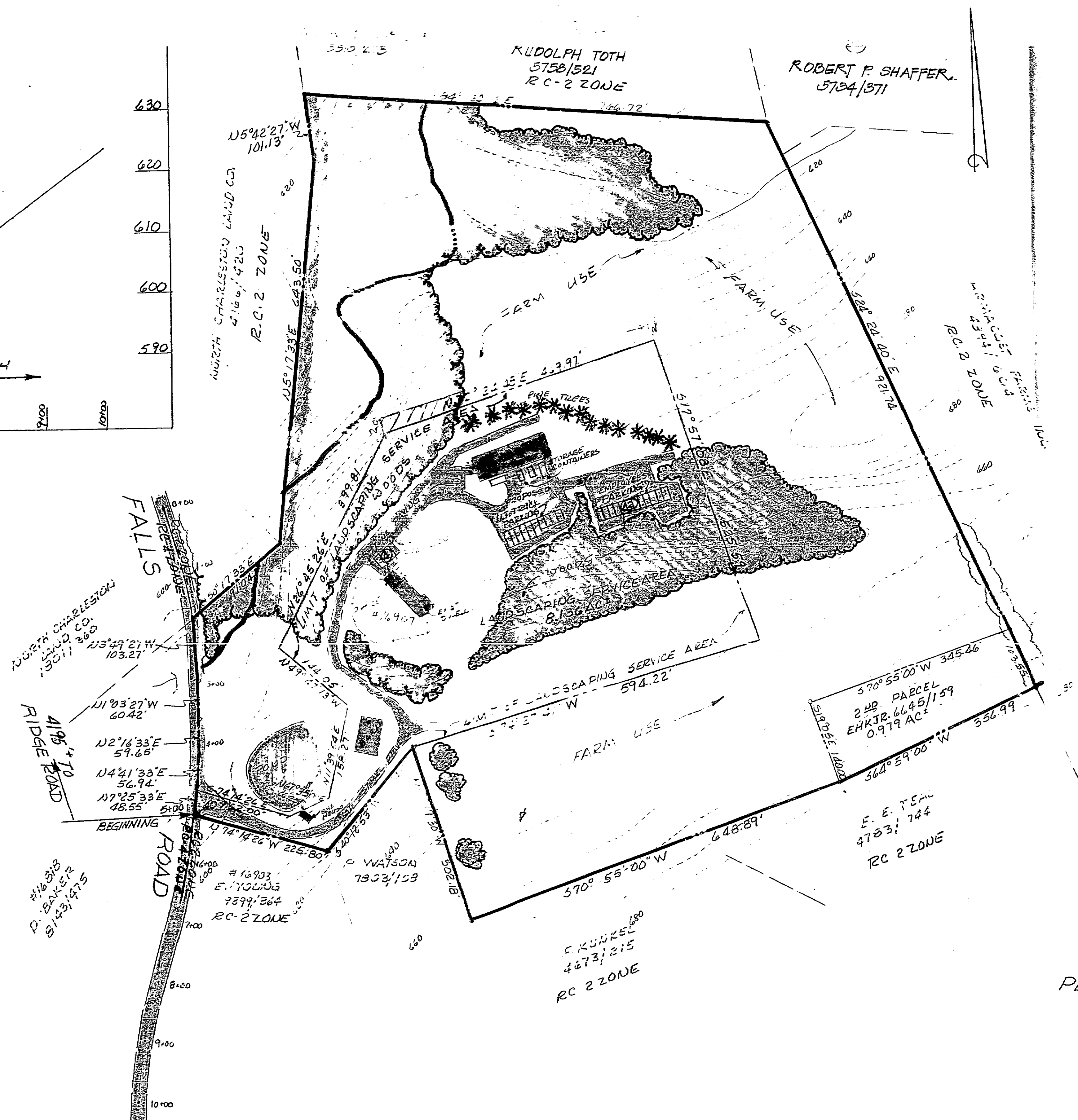
NOTE: OUTLINE SHOWN HEREON, WAS
PLOTTED FROM DEEDS, PLATS, & OTHER
SOURCES, AND IS NOT A FIELD SURVEY

410-239-2478



FALLS ROAD PROFILE

SCALE: HOR = 1" = 100'
VERT = 1" = 10'



- GENERAL NOTES**
- | | |
|------------------|----------------------------------|
| EXISTING ZONE | RC 2 ZONE |
| AREA OF PROPERTY | PARCEL #1 28.075 AC ² |
| | PARCEL #2 0.979 AC ² |
| | TOTAL 29.054 AC ² |
| EXISTING USE | FARM USE & LANDSCAPING SERVICE |
| PROPOSED USE | FARM USE & LANDSCAPING SERVICE |
- 1) PRIVATE WELL & SEPTIC SYSTEM
 - 2) 3RD COUNCIL DISTRICT
 - 3) DEED REF: 6645/159 TAX# 05-12-089050, 05-16-00008668
 - 4) ZONING SHEETS UW 27H & UW 27G

PARKING DATA

OFFICE	3.3 SPACES/1000 ² : 593 ²	= 2 SPACES
EMPLOYEE'S	1/PEREMP. (12EMPLOY)	= 12 SPACES
RESIDENCE		= 2 SPACES
PARKING SPACES REQ.		= 16 SPACES
PARKING SPACES SHOWN		= 16 SPACES (10' x 20')

PLAT TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION
#16907 FALLS ROAD
PROPERTY OF
ROBERT L. WOOLF ET AL.

5TH ELECTION DIST. BALTO. CO. MARYLAND
SCALE 1" = 100' FEB. 28, 1995
REVISED 6/27/07

OWNED BY
ROBERT L. WOOLF JR.
#907 FALLS ROAD
UPPER MD.
21155
410-239-2478

NOTE: OUTLINE SHOWN HEREON, WAS
PLOTTED FROM DEEDS, PLATS, & OTHER
SOURCES, AND IS NOT A FIELD SURVEY.

ADDITIONS 2-3-97
WIDENING OF ENTRANCE
ALIGNMENT & PROFILE OF FALLS ROAD



EXHIBIT #1